

Alexandria Bennett

2023 Sep-29 PM 03:48
6/14/2023 DISTRICT COURT
N.D. OF ALABAMA

Page 1	Page 3
IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION	1 questions, and that counsel for the parties 2 may make objections and assign grounds at 3 the time of trial or at the time said 4 deposition is offered in evidence, or prior 5 thereto.
CIVIL ACTION NUMBER 2:22-CV-01306-AMM	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
ALEXANDRIA BENNETT, Plaintiff, vs. WALMART, INC., Defendant.	
DEPOSITION TESTIMONY OF: ALEXANDRIA BENNETT	
June 14, 2023 1:30 p.m.	
COURT REPORTER: DIANA B. WILLIAMS, CCR	
Page 2	Page 4
1 S T I P U L A T I O N 2 IT IS STIPULATED AND AGREED by and 3 between the parties through their respective 4 counsel that the deposition of ALEXANDRIA 5 BENNETT, may be taken before Diana 6 B. Williams, Certified Shorthand Reporter 7 and Notary Public, State of Alabama at 8 Large, at the law offices of Friedman, 9 Dazzio & Zulanas, P.C., 3800 Corporate Woods 10 Drive, Vestavia Hills, Alabama, on 11 June 14, 2023, commencing at approximately 12 1:30 p.m. 13 IT IS FURTHER STIPULATED AND AGREED 14 that the signature to and the reading of the 15 deposition by the witness is waived, the 16 deposition to have the same force and effect 17 as if full compliance had been had with all 18 laws and rules of Court relating to the 19 taking of depositions. 20 IT IS FURTHER STIPULATED AND AGREED 21 that it shall not be necessary for any 22 objections to be made by counsel to any 23 questions, except as to form or leading	1 I N D E X 2 3 EXAMINATION BY: PAGE NO. 4 MS. GORDON 7 5 MS. WASHINGTON 166 6 MS. GORDON 173 7 MS. WASHINGTON 174 8 CERTIFICATE 187 9 10 EXHIBITS 11 12 PLAINTIFF'S EXHIBITS: PAGE NO. 13 1 Video 170 14 15 DEFENDANT'S EXHIBITS: PAGE NO. 16 1 Pay statement 52 17 2 Photograph (color) 80 18 3 Photograph (color) 80 19 4 Photograph (color) 104 20 5 Customer Incident Report 114 21 6 Photographs (6 color) 123 22 7 Photograph (color) 127 23 8 Initial Disclosures 160

1 (Pages 1 to 4)

BIRMINGHAM REPORTING SERVICE
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Alexandria Bennett

6/14/2023

<p style="text-align: right;">Page 5</p> <p>1 A P P E A R A N C E S 2 3 FOR THE PLAINTIFF: 4 Ellise M. Washington, Esq. 5 EMW LAW 6 2100 First Avenue North 7 Birmingham, Alabama 35203 8 9 FOR THE DEFENDANT: 10 Gwendolyn A. Gordon, Esq. 11 FRIEDMAN, DAZZIO & ZULANAS, P.C. 12 3800 Corporate Woods Drive 13 Vestavia Hills, Alabama 35242 14 15 ALSO PRESENT: 16 Charles Nash, Intern 17 Kelsie Green, Intern 18 19 20 21 22 23</p>	<p style="text-align: right;">Page 7</p> <p>1 EXAMINATION BY MS. GORDON: 2 Q. Ms. Bennett, my name is Gwen 3 Gordon, and I represent Wal-Mart Stores 4 East, LP, in the lawsuit that you filed 5 against them. And I'm here today to ask you 6 some questions about -- some about your 7 background and then about the claims you are 8 asserting and about any injuries you are 9 claiming as a result of the incident at 10 Wal-Mart. 11 Throughout our deposition, our 12 court reporter, Diana, is going to be taking 13 down everything you and I say. And so it's 14 important to answer my questions out loud 15 rather than shake your head or nod your 16 head. But if you forget, I will remind you. 17 And if you will, try to avoid 18 responses like uh-uh or uh-huh. They appear 19 the same on the typed record, so it makes it 20 confusing. But, once again, everybody seems 21 to do it, and so I will just correct you. 22 And I'm not picking on you. It's just so we 23 can have a clear written record.</p>
<p style="text-align: right;">Page 6</p> <p>1 I, Diana B. Williams, a Certified 2 Shorthand Reporter of Birmingham, Alabama, 3 and a Notary Public for the State of Alabama 4 at Large, acting as Commissioner, certify 5 that on this date, pursuant to the Federal 6 Rules of Civil Procedure, and the foregoing 7 stipulation of counsel, there came before me 8 at the law offices of Friedman, Dazzio & 9 Zulanas, P.C., 3800 Corporate Woods Drive, 10 Vestavia Hills, Alabama, commencing at 11 approximately 1:30 p.m., on June 14, 2023, 12 ALEXANDRIA BENNETT, witness in the above 13 cause, for oral examination, whereupon the 14 following proceedings were had:</p> <p>15 16 ALEXANDRIA BENNETT, 17 having been first duly sworn, was examined 18 and testified as follows:</p> <p>19 20 COURT REPORTER: Usual 21 stipulations?</p> <p>22 MS. GORDON: Yes.</p> <p>23 MS. WASHINGTON: Yes.</p>	<p style="text-align: right;">Page 8</p> <p>1 If you need to take a break for 2 any reason, just let me know and we can do 3 that. I want you to understand all of my 4 questions, so if I ask you something that 5 you don't understand, please let me know, 6 and I will rephrase it or try to explain it 7 to you so that you will understand it. And 8 if you answer it, I will assume that you 9 understood it; is that fair?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. And let me think if there 12 is anything else. That's probably it. 13 It's, like, little ground rules.</p> <p>14 Have you ever given a deposition 15 before?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Okay. Will you state your full 18 name for the record, please?</p> <p>19 A. Alexandria Lashun Bennett.</p> <p>20 Q. What name do you go by?</p> <p>21 A. Alexandria.</p> <p>22 Q. Have you ever gone by any other 23 names besides Alexandria?</p>

2 (Pages 5 to 8)

Alexandria Bennett

6/14/2023

<p style="text-align: right;">Page 9</p> <p>1 A. Just Alex, for short. 2 Q. And have you ever had any other 3 last names? 4 A. No, ma'am. 5 Q. Have you ever been married? 6 A. No, ma'am. 7 Q. Are you on any medication today 8 that would affect your ability to testify or 9 to recall past events? 10 A. No, ma'am. 11 Q. Are you suffering from any 12 medical conditions that would affect your 13 ability to testify or recall past events? 14 A. No, ma'am. 15 Q. Have you ever been involved in a 16 lawsuit, whether or not you gave a 17 deposition? 18 A. No, ma'am. 19 Q. And what is your current address? 20 A. My current address is [REDACTED] 21 [REDACTED] Homewood, Alabama 35209. 22 Q. How long have you lived there? 23 A. About a year.</p>	<p style="text-align: right;">Page 11</p> <p>1 A. A few years ago. 2 Q. Three years ago or a few? 3 A. A few years ago. 4 Q. Do you have any other children? 5 A. No, ma'am. 6 Q. Has anyone else lived at the 7 [REDACTED] address with you and your 8 daughter? 9 A. No, ma'am. 10 Q. And where did you live before 11 [REDACTED]? 12 A. I stayed in Ensley, Alabama. 13 Q. Okay. Do you remember your 14 address or where you lived there? 15 A. It was [REDACTED], Ensley. 16 Q. Okay. Was that an apartment or a 17 house? 18 A. It was an apartment. 19 Q. And who lived with you there, if 20 anyone? 21 A. Me and my daughter. 22 Q. How long were you at that 23 address?</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. And does anyone live there with 2 you? 3 A. My daughter. 4 Q. What is her name? 5 A. Her name is [REDACTED]. 6 Q. [REDACTED]? 7 A. [REDACTED]. 8 Q. [REDACTED]. Thank you. What is the 9 last name, though? Was it Allen? 10 A. Yes, ma'am. 11 Q. Okay. How do you spell the Allen 12 part? 13 A. A-l-l-e-n. 14 Q. Thank you. How old is she? 15 A. She's nine. 16 Q. I have a nine-year-old. It's a 17 fun age. 18 And who is her dad? 19 A. Her dad is Kevin [REDACTED]. 20 Q. Are you still in a relationship 21 with Kevin [REDACTED]? 22 A. No, ma'am. 23 Q. Okay. When did that end?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. About three -- three years. 2 Q. I'm backing up, but the [REDACTED] 3 [REDACTED], is that a house or an 4 apartment? 5 A. It's an apartment. 6 Q. All right. And where did you 7 live before Ensley? 8 A. I stayed in Homewood, Alabama. 9 Q. Where were you in Homewood back 10 then? 11 A. The [REDACTED]. 12 Q. And how long were you there? 13 A. I will say probably two years. 14 About two years. 15 Q. Was it you and your daughter 16 there? 17 A. Yes, ma'am. 18 Q. Do you own any property? 19 A. No, ma'am. 20 Q. All right. So what I have is the 21 date of the incident we are here about is 22 October 15, 2020. Is that your recollection 23 as to when it happened?</p>

3 (Pages 9 to 12)

Alexandria Bennett

6/14/2023

Page 13	Page 15
<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. Where were you living 3 then? Was that the Ensley address?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Which one were you at back when 6 this happened?</p> <p>7 A. Homewood.</p> <p>8 Q. Okay. [REDACTED]?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Have you ever lived with Kevin 11 [REDACTED], or has he ever lived in one of your 12 apartments?</p> <p>13 A. He moved. He was staying at 14 the -- when we were together, we were in 15 [REDACTED], but that's when we 16 split up as well.</p> <p>17 Q. Okay. Was he living with y'all 18 back on October 15, 2020?</p> <p>19 A. We were -- we weren't together at 20 that time.</p> <p>21 Q. Okay. So he had already moved 22 out?</p> <p>23 A. Yes, ma'am.</p>	<p>1 you -- we will go off the record, but I'm 2 going to ask you what your social security 3 number is off the record.</p> <p>4 MS. GORDON: If we can go off. 5 (Whereupon, an off-the-record 6 discussion was held.)</p> <p>7 MS. GORDON: Back on the record.</p> <p>8 Q. (By Ms. Gordon) What is your 9 birth date?</p> <p>10 A. [REDACTED], 1993.</p> <p>11 Q. And your driver's license number?</p> <p>12 A. [REDACTED]</p> <p>13 Q. Is that an Alabama license?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Have you ever held a license in 16 any other states?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Do you have any restrictions on 19 your license, like, for contacts or --</p> <p>20 A. No, ma'am.</p> <p>21 Q. Okay. Do you wear glasses or 22 contacts?</p> <p>23 A. I wear glasses.</p>
<p>1 Q. Where does he live now, if you 2 know?</p> <p>3 A. Bessemer, Alabama.</p> <p>4 Q. Do you know his current phone 5 number?</p> <p>6 A. Not by heart. I can --</p> <p>7 Q. You might have given it to me. 8 Let me see if this sounds familiar. I have 9 it on something.</p> <p>10 Does [REDACTED] sound right?</p> <p>11 A. That's his old number.</p> <p>12 Q. Okay. So he has a different one?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Do you have it with you in your 15 phone?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. When we take a break, I will get 18 you to look it up for me, if you don't mind.</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Thank you. Are you still in 21 regular contact with him?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. All right. I'm going to ask</p>	<p>1 Q. Are they reading glasses or 2 driving glasses? Or when do you use them?</p> <p>3 A. I don't have to use them.</p> <p>4 Q. Okay.</p> <p>5 A. Yes, I don't have a prescription 6 for them or anything.</p> <p>7 Q. I see. Have you ever been 8 prescribed eyeglasses or contacts?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. When was that?</p> <p>11 A. I will say I picked up a 12 prescription last year.</p> <p>13 Q. Okay. Who was your eye doctor 14 then?</p> <p>15 A. They are located at Wal-Mart.</p> <p>16 Q. The one in Helena?</p> <p>17 A. No, ma'am. The one in Pelham.</p> <p>18 Q. Okay.</p> <p>19 A. I would go over to them.</p> <p>20 Q. Do you remember if you were 21 diagnosed as nearsighted or farsighted?</p> <p>22 Like, did you have trouble seeing things far 23 away or close-up?</p>

4 (Pages 13 to 16)

Alexandria Bennett

6/14/2023

Page 17	Page 19
1 A. No, ma'am.	1 Birmingham or nearby areas your whole life?
2 Q. You don't remember which one?	2 A. No, ma'am.
3 A. No, ma'am.	3 Q. Where else have you lived?
4 Q. Okay. That's fine. Were you	4 A. We stayed in Hoover, Alabama.
5 wearing glasses or contacts on October 15,	5 Q. Okay.
6 2020, at Wal-Mart?	6 A. My mom.
7 A. I always wear my contacts.	7 Q. All right. But have you been in
8 Q. So did you have them in that day?	8 Alabama your whole life?
9 A. Yes, ma'am.	9 A. Yes, ma'am.
10 Q. Okay. Is the eye doctor at the	10 Q. Okay. And are you currently
11 Wal-Mart in Pelham still your eye doctor?	11 employed?
12 A. Yes, ma'am. I haven't been to	12 A. Yes, ma'am.
13 them this year, though.	13 Q. Where do you work?
14 Q. Okay. Do you have any relatives	14 A. I work at UAB.
15 age 19 or older living in either Blount	15 Q. What do you do there?
16 County, Jefferson County, or Shelby County?	16 A. I am a new patient scheduler.
17 A. Yes, ma'am.	17 Q. Do you work with a particular
18 Q. Tell me who they are, please.	18 office there?
19 A. My mom stays in Shelby County.	19 A. Radiation oncology.
20 Q. And what is her name?	20 Q. How long have you had that job?
21 A. [REDACTED].	21 A. I just started this particular
22 Q. Is she married?	22 job in May.
23 A. Yes, ma'am.	23 Q. Of 2023?
Page 18	Page 20
1 Q. What is her husband's name?	1 A. Yes, ma'am.
2 A. [REDACTED].	2 Q. Is that a desk job?
3 Q. Do either of them work in Shelby	3 A. Yes, ma'am.
4 County?	4 Q. And how many days a week do you
5 A. No, ma'am.	5 work?
6 Q. Any other relatives in either	6 A. Monday through Friday.
7 Blount, Jefferson, or Shelby County?	7 Q. What are your hours?
8 A. No, ma'am.	8 A. Earliest I go in is 7 a.m. The
9 Q. All right. Where did you go to	9 latest I will stay is 6 p.m.
10 high school?	10 Q. All right. And what are you paid
11 A. I went to Spain Park High School.	11 there?
12 Q. And what year did you graduate?	12 A. \$18 an hour.
13 A. 2011.	13 Q. And who is your supervisor?
14 Q. All right. Have you had any	14 A. Ms. [REDACTED].
15 other education since then?	15 Q. Have you had any trouble
16 A. No, ma'am.	16 performing your job duties there as a result
17 Q. Is that a Hoover school? Is	17 of any injuries you relate to the incident
18 Spain Park Hoover?	18 at Wal-Mart?
19 A. It's off Valleydale Road.	19 A. No, ma'am.
20 Q. Okay. Is that about where you	20 Q. Where did you work before UAB?
21 grew up, in that area?	21 A. I was working at UAB psychiatry.
22 A. Yes, ma'am.	22 Q. And what was your job title
23 Q. And have you lived in the	23 there?

5 (Pages 17 to 20)

Alexandria Bennett

6/14/2023

Page 21	Page 23
<p>1 A. Patient service coordinator.</p> <p>2 Q. Did you work there right up until</p> <p>3 you moved to the radiation department?</p> <p>4 A. I worked there up until, I think,</p> <p>5 March of this year.</p> <p>6 Q. Okay.</p> <p>7 A. I was let go.</p> <p>8 Q. Did they give you a reason for</p> <p>9 letting you go?</p> <p>10 A. I'm through a temp service.</p> <p>11 Q. Oh, I see. Which temp service do</p> <p>12 you work for?</p> <p>13 A. UAB Temp Services.</p> <p>14 Q. Is your current job also through</p> <p>15 the temp service?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. So who do your paychecks come</p> <p>18 from?</p> <p>19 A. UAB Temp Services.</p> <p>20 Q. And are you always guaranteed</p> <p>21 employment through them? I'm just not sure</p> <p>22 how it works.</p> <p>23 A. The temp jobs is, like, you have</p>	<p>1 this lawsuit?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Where did you work before UAB</p> <p>4 psychiatry?</p> <p>5 A. I worked for Milo's Tea Company.</p> <p>6 Q. Milo's?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Okay. What did you do for them?</p> <p>9 A. Data entry clerk.</p> <p>10 Q. Is that at their corporate</p> <p>11 office?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Where is it?</p> <p>14 A. It's off of Morgan Road, but you</p> <p>15 can also get there off of Lakeshore.</p> <p>16 Q. Okay. All right. When did that</p> <p>17 job end?</p> <p>18 A. It was contracted. I want to say</p> <p>19 it ended before I worked for UAB.</p> <p>20 Q. Was it right before, or was there</p> <p>21 a period where you were there without work?</p> <p>22 A. It was a period for me.</p> <p>23 Q. Do you remember if it was, like,</p>
Page 22	Page 24
<p>1 got to do what you have got to do, you know,</p> <p>2 or you can be let go.</p> <p>3 So with UAB psychiatry, I was</p> <p>4 about to be there -- well, I was there for a</p> <p>5 year. I was supposed to be hired on, and I</p> <p>6 was let go.</p> <p>7 Q. Okay. Sometimes you are hired on</p> <p>8 for a permanent job through a temp job; is</p> <p>9 that right?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. And so now you have</p> <p>12 started a new temp job and maybe in hopes of</p> <p>13 it becoming a permanent job?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay. When did you start the UAB</p> <p>16 psychiatry temp job?</p> <p>17 A. I believe about a year ago,</p> <p>18 because March would have been -- March or</p> <p>19 April would have been right around a year</p> <p>20 for me.</p> <p>21 Q. Okay. Did you being let go from</p> <p>22 the UAB psychiatry temp job have anything to</p> <p>23 do with any of the claims you are making in</p>	<p>1 one month? Five months? Any idea?</p> <p>2 A. I believe it was more than five</p> <p>3 months.</p> <p>4 Q. Okay. And did you leave the</p> <p>5 Milo's job, or were you let go? How did it</p> <p>6 end?</p> <p>7 A. It was a contracted job.</p> <p>8 Q. Oh, it was a contracted start and</p> <p>9 end date?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Once you finished the work, it</p> <p>12 was over?</p> <p>13 A. Yes, ma'am. It was, really,</p> <p>14 through -- you know, for the pandemic, we</p> <p>15 would swab people's mouths and stuff like</p> <p>16 that when they would come in and take their</p> <p>17 temps.</p> <p>18 Q. Okay.</p> <p>19 A. So they didn't need us anymore.</p> <p>20 Q. About how long did that job last?</p> <p>21 A. I would say a few months. At</p> <p>22 least six -- six to seven months or so.</p> <p>23 Q. And was that in 2020, or was it</p>

6 (Pages 21 to 24)

Alexandria Bennett

6/14/2023

<p style="text-align: right;">Page 25</p> <p>1 later after the pandemic started?</p> <p>2 A. I think I was working for them,</p> <p>3 like, around August of 2021.</p> <p>4 Q. All right. And where were you</p> <p>5 working before Milo's?</p> <p>6 A. I had different temp service jobs</p> <p>7 that I was let go from.</p> <p>8 Q. Were you working through an</p> <p>9 agency for those?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. What was the name of that</p> <p>12 agency?</p> <p>13 A. Going through different agencies</p> <p>14 such as PrideStaff, Dedicated Personnel.</p> <p>15 Off of my head, that's all I can think of.</p> <p>16 Q. Okay. What type of jobs did</p> <p>17 you -- temp jobs did you have through those</p> <p>18 agencies?</p> <p>19 A. I tried to do warehouse jobs, but</p> <p>20 they don't work out.</p> <p>21 Q. Why don't they work out?</p> <p>22 A. I couldn't -- I couldn't perform</p> <p>23 the work that they needed me to perform in</p>	<p style="text-align: right;">Page 27</p> <p>1 PrideStaff or Dedicated Personnel, or did it</p> <p>2 come from the company for which you were</p> <p>3 working?</p> <p>4 A. It came from PrideStaff and</p> <p>5 Dedicated Personnel.</p> <p>6 Q. Okay. How long was that period</p> <p>7 where you were trying to work for warehouses</p> <p>8 through the temp agencies?</p> <p>9 A. After I lost my job with Outback</p> <p>10 and Pappadeaux.</p> <p>11 Q. Was there a period of time where</p> <p>12 you were unemployed after Outback and did</p> <p>13 you say Pappadeaux?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay. Was there a period of time</p> <p>16 where you were unemployed after those jobs</p> <p>17 ended?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. About how long?</p> <p>20 A. Up until I was able to get the --</p> <p>21 get the job with Milo's. So during that</p> <p>22 gap, since -- you remember -- the accident</p> <p>23 was in 2020. I didn't get a stable job</p>
<p style="text-align: right;">Page 26</p> <p>1 the warehouses.</p> <p>2 Q. And why was that?</p> <p>3 A. Because my ankle was messed up.</p> <p>4 I couldn't walk. You know, the warehouses</p> <p>5 are real big. So I couldn't perform those,</p> <p>6 and I was let go.</p> <p>7 Q. Which warehouse was that where</p> <p>8 you had trouble performing your job duties?</p> <p>9 A. I don't know the particular name</p> <p>10 of them off the head, but I know some was</p> <p>11 located in Pelham. It was -- I worked in,</p> <p>12 like, the freezer section of that job. And</p> <p>13 for, like, Mercedes, through Automation and</p> <p>14 stuff.</p> <p>15 Q. And those were jobs you had --</p> <p>16 the warehouse jobs were jobs you got through</p> <p>17 the temp agencies?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And those would have been the</p> <p>20 PrideStaff or the Dedicated Personnel</p> <p>21 agencies?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Did your paycheck come from</p>	<p style="text-align: right;">Page 28</p> <p>1 until 2021 of August when I worked for</p> <p>2 Milo's Tea Company.</p> <p>3 Q. Okay. When you were working</p> <p>4 through the temp agencies at the warehouses</p> <p>5 and realized that there were some things you</p> <p>6 couldn't perform, did you talk to anybody</p> <p>7 about maybe changing your job duties?</p> <p>8 A. It doesn't work like that. When</p> <p>9 you take the temp service job, they tell you</p> <p>10 what you will be doing. So you have got to</p> <p>11 do what they ask you to do when you get</p> <p>12 there.</p> <p>13 Q. And what was the reason your</p> <p>14 warehouse jobs ended through the temp</p> <p>15 service?</p> <p>16 A. They don't tell you.</p> <p>17 Q. Okay. So before the warehouse</p> <p>18 jobs through the temp services, you were</p> <p>19 working for both Outback and Pappadeaux?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. At the same time?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Okay. When did you start --</p>

7 (Pages 25 to 28)

Alexandria Bennett

6/14/2023

Page 29	Page 31
<p>1 let's start with Outback first. When did 2 you start there? 3 A. I worked there for at least three 4 years, I know. 5 Q. And which location? 6 A. Hoover and the 280 location. 7 Q. Did you just kind of go wherever 8 they needed you? 9 A. No, ma'am. I was at the Hoover 10 location first, and I managed the 280 11 location. 12 Q. I see. Okay. So about three 13 years before the Outback job ended you 14 started at Hoover; is that right? 15 A. Yes, ma'am. 16 Q. And what was your job title when 17 you first started with Outback in Hoover? 18 A. Prep cook. 19 Q. And at that time, what were you 20 earning? 21 A. I was making, like, \$16 at 22 Outback, about \$16. 23 Q. Were you also given tips as a</p>	<p>1 store? 2 A. I transferred with Mario to that 3 store, because he wanted me to come to that 4 store with him. 5 Q. Okay. When you moved to the 280 6 store, did your pay change at all? 7 A. I got more hours and more 8 money. I didn't start off with 16. So I 9 probably -- I worked my way up to that. 10 Q. Okay. So when you were the 11 manager at the 280 store, you were getting 12 16 and probably a little less at the Hoover 13 store? 14 A. Yes. I was getting way less at 15 the Hoover store. 16 Q. Okay. All right. I know I'm 17 jumping around. I apologize. But that's 18 the way my brain works sometimes. 19 A. You're fine. That's fine. 20 Q. At the Hoover Outback store, how 21 often were you working there, how many days 22 a week and what were your hours? 23 A. I worked every day. I would work</p>
<p>1 prep cook? 2 A. No, ma'am. 3 Q. Okay. Who was your supervisor 4 when you were in that job position at 5 Hoover? 6 A. Mario. 7 Q. Do you remember his last name? 8 A. No, ma'am. 9 Q. That's okay. 10 A. We called him Mario. 11 Q. I understand. Okay. So at some 12 point -- when you were at the Hoover 13 Outback, did your job title ever change, or 14 were you always a prep cook at the Hoover 15 Outback? 16 A. Yes, ma'am, it changed once I got 17 to the 280 one, because I managed that 18 store. 19 Q. Okay. How long were you at the 20 Hoover store? 21 A. About a year, I would say. 22 Q. And then you were -- I assume it 23 was a promotion as a manager at the 280</p>	<p>1 morning to night, open to close. 2 Q. All right. At the 280 Outback 3 store, you got a pay increase, and I think 4 you said your hours changed; is that right? 5 A. I got more hours, yes. I still 6 worked open to close with Outback. 7 Q. Was it Monday through Friday or 8 weekends too? 9 A. Weekends too. 10 Q. Okay. So seven days a week, open 11 to close? 12 A. Yes, just about. 13 Q. And was Mario still your 14 supervisor at the 280 store? 15 A. Yes, ma'am. 16 Q. As part of your job at the 280 17 Outback store, did you receive any paid 18 vacation or paid sick days? 19 A. I had paid sick days, but I don't 20 think I took them or anything. I think I 21 just -- you know how you put it in to get an 22 extra check or something like that. 23 Q. Any idea how many paid sick days</p>

Alexandria Bennett

6/14/2023

Page 33	Page 35
<p>1 you were given there?</p> <p>2 A. Uh-uh (negative).</p> <p>3 Q. Is that a yes or no?</p> <p>4 A. Oh, no, ma'am.</p> <p>5 Q. Thank you.</p> <p>6 A. I can't recall.</p> <p>7 Q. From the time you started at the 8 280 store until that job ended, did your job 9 title change at any point, or were you the 10 manager that entire time period?</p> <p>11 A. At the 280 store?</p> <p>12 Q. Yes. Have you ever held any 13 other job titles at the 280 store besides 14 store manager or restaurant manager?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Okay. And did your pay stay the 17 same the entire time you were at the 280 18 Outback store?</p> <p>19 A. I got a raise at one point. 20 That's why I got up to 16.</p> <p>21 Q. What were you making back on 22 October 15, 2020, at Outback?</p> <p>23 A. I was making about 16.</p>	<p>1 Q. Okay. Specifically what job 2 duties were you unable to perform?</p> <p>3 A. I wasn't able to manage the 4 kitchen like I used to. I wasn't able to 5 stand up for long periods of time anymore. 6 It was just hard to work so...</p> <p>7 Q. And what prevented you from 8 managing the kitchen like you had done 9 before?</p> <p>10 A. My ankle.</p> <p>11 Q. Is that also what prevented you 12 from standing up for long periods of time?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. When did it start becoming a 15 problem for you to do your job duties at the 16 280 Outback store?</p> <p>17 A. After the accident.</p> <p>18 Q. Immediately after it?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Was Mario your supervisor the 21 entire time you were at the 280 location?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Did you ever go to Mario and ask</p>
Page 34	Page 36
<p>1 Q. Did you receive any health 2 insurance through your job at Outback?</p> <p>3 A. I didn't have any health 4 insurance.</p> <p>5 Q. On October 15, 2020, you did not 6 have health insurance; is that right?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. All right. When did your job at 9 the 280 or with Outback, either store, when 10 did that end?</p> <p>11 A. Right before the holidays.</p> <p>12 Q. Okay. You never went back to the 13 Hoover store, did you?</p> <p>14 A. No, ma'am.</p> <p>15 Q. So the holidays of 2020?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. So it would have been the end of 18 the year of 2020?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And why did your job end with 21 Outback back then?</p> <p>22 A. I wasn't able to perform like I 23 used to.</p>	<p>1 him if he could change some of your job 2 duties?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Tell me how that went.</p> <p>5 A. I wasn't able to do the work as a 6 manager of the back of the house. He would 7 come in and, you know, help out with getting 8 things done and stuff. But I wasn't able to 9 manage like I used to. I wasn't the same 10 anymore.</p> <p>11 Q. Are there any other job duties 12 that you couldn't perform after the 13 October 15, 2020, incident besides being 14 able to stand for long periods of time or 15 manage the kitchen the way you had?</p> <p>16 A. You said is there any more?</p> <p>17 Q. Sure. I'm trying to figure out 18 -- if you can just tell me all of the job 19 duties that you were not able to perform 20 after October 15, 2020. What were those 21 specific job duties that you were no longer 22 able to perform?</p> <p>23 A. So we said stand. I wasn't able</p>

9 (Pages 33 to 36)

Alexandria Bennett

6/14/2023

Page 37	Page 39
<p>1 to move around. I wasn't able to get my 2 recipes done in time enough like I was 3 supposed to. I just wasn't able to work the 4 same, period.</p> <p>5 Q. And was it your ankle that caused 6 all of those problems?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. What about your ankle was it that 9 caused the problems?</p> <p>10 A. I was in pain. I couldn't stand 11 up. Also, you know, like, being the star of 12 the kitchen, I would, you know, try to still 13 do my job. And I wasn't -- I knew I wasn't 14 the same anymore.</p> <p>15 Q. When you talk about not being 16 able to get recipes done on time, what was 17 that? What were the recipes that you had to 18 do?</p> <p>19 A. Any recipes in the kitchen, as in 20 stuff that needed to be made by the time we 21 opened up or served to the customers.</p> <p>22 Q. Were you cooking?</p> <p>23 A. Yes, ma'am.</p>	<p>1 knew I couldn't perform like I was supposed 2 to perform. So that was the best decision.</p> <p>3 Q. Is that what you were told?</p> <p>4 A. Yes, ma'am. I agreed with him.</p> <p>5 Q. Was it Mario that let you go?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Following October 15, 2020, did 8 any of your doctors ever give you any work 9 restrictions?</p> <p>10 A. What does that mean?</p> <p>11 Q. Sure. It would be -- first of 12 all, did they ever tell you you could not 13 return to work until X date? Like, did they 14 ever tell you, Do not work until a certain 15 date?</p> <p>16 A. Are you talking about when I went 17 to the hospital for the --</p> <p>18 Q. Sure. Just any time after 19 October 15, 2020.</p> <p>20 A. Well, I tried to get seen for it, 21 but I wasn't able to be seen because I 22 didn't have insurance. So I tried to see 23 what was wrong. I wasn't able to be seen.</p>
<p style="text-align: center;">Page 38</p> <p>1 Q. Okay. And had you been 2 performing those same job duties at the 3 Outback 280 store before October 15, 2020?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Like the cooking and being on 6 your feet?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Did you ever talk to Mario and 9 ask him if there was another job that you 10 could do that would allow you to sit more?</p> <p>11 A. Well, when you are managing or in 12 any position in a restaurant, it's really 13 not a sit-down job.</p> <p>14 Q. Did he tell you there weren't any 15 sit-down jobs available?</p> <p>16 A. We just decided to part ways.</p> <p>17 Q. And that's what I was going to 18 ask you about next. Did you resign, or were 19 you let go from Outback?</p> <p>20 A. I was let go.</p> <p>21 Q. Were you given a reason as to why 22 they were letting you go?</p> <p>23 A. I wasn't the same anymore, so I</p>	<p style="text-align: center;">Page 40</p> <p>1 Q. Okay. Was there a doctor that 2 ever said, I don't want you to work until 3 another three months, or something like 4 that?</p> <p>5 A. During 2020?</p> <p>6 Q. Yes. Or 2021.</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Okay. Which doctor was that that 9 gave you a work restriction?</p> <p>10 A. Well, I wasn't supposed to work 11 when I had my surgery.</p> <p>12 Q. Okay. For how long?</p> <p>13 A. I'm not sure.</p> <p>14 Q. At some point were you told that 15 you could return to work after the surgery?</p> <p>16 A. I'm not sure.</p> <p>17 Q. Were you ever told either not to 18 be on your feet or given any weight lifting 19 restrictions?</p> <p>20 A. With the ankle?</p> <p>21 Q. Right. Or any of the injuries 22 that you relate to the incident at Wal-Mart.</p> <p>23 A. I couldn't be on my feet because,</p>

10 (Pages 37 to 40)

Alexandria Bennett

6/14/2023

Page 41	Page 43
<p>1 when I was on my feet, I was in pain.</p> <p>2 Q. And I understand that. I'm just</p> <p>3 wondering if any doctor ever said, I don't</p> <p>4 want you on your feet for a period of three</p> <p>5 weeks, three months, or whatever.</p> <p>6 A. Well, see, after the accident, I</p> <p>7 went to the hospital. I was referred to the</p> <p>8 orthopedic. But during that time, I didn't</p> <p>9 have insurance, so it was hard for me to try</p> <p>10 to be seen. I knew something was wrong.</p> <p>11 But at the time, I didn't have insurance to</p> <p>12 be seen and, you know, get the help that I</p> <p>13 needed.</p> <p>14 Q. At some point did you get health</p> <p>15 insurance?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. When did you get health</p> <p>18 insurance?</p> <p>19 A. I finally got insurance the</p> <p>20 following year in January.</p> <p>21 Q. So January of 2021?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. And was that provided through a</p>	<p>1 take a break?</p> <p>2 MS. GORDON: Sure.</p> <p>3 (Whereupon, a brief recess was</p> <p>4 taken from 2:08 p.m. until</p> <p>5 2:11 p.m.)</p> <p>6 Q. (By Ms. Gordon) Okay. Just to</p> <p>7 clarify, since October of 2020, have you had</p> <p>8 health insurance with any entity besides</p> <p>9 Blue Cross Blue Shield?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Okay. And you just had it for a</p> <p>12 period of a few months; is that right?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. All right. Now tell me about</p> <p>15 your job at Pappadeaux. When did you start</p> <p>16 there?</p> <p>17 A. I will say I worked there for</p> <p>18 about a year.</p> <p>19 Q. Which Outback location were you</p> <p>20 working at when you also worked at</p> <p>21 Pappadeaux?</p> <p>22 A. The 280.</p> <p>23 Q. All right. And what were your</p>
Page 42	Page 44
<p>1 job?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Who was your health insurance</p> <p>4 with when you got it in January '21?</p> <p>5 A. I went through the health market.</p> <p>6 Q. Are you the policyholder on the</p> <p>7 health insurance?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Do you know which insurance</p> <p>10 company has the insurance?</p> <p>11 A. I'm not sure. I'm thinking Blue</p> <p>12 Cross Blue Shield.</p> <p>13 Q. Have you had the same health</p> <p>14 insurance policy since January of 2021?</p> <p>15 A. I don't have insurance.</p> <p>16 Q. Okay. How long did you have it</p> <p>17 after you got it in January of 2021?</p> <p>18 A. I would say a few months. My mom</p> <p>19 helped me pay for it since I was in between</p> <p>20 jobs, trying to find a job. So she helped</p> <p>21 me pay for it because she knew I needed to</p> <p>22 see what was going on with the ankle.</p> <p>23 MS. WASHINGTON: Can we pause and</p>	<p>1 hours at Pappadeaux?</p> <p>2 A. I would work during the</p> <p>3 nighttime.</p> <p>4 Q. About what time would you get</p> <p>5 there and what time would you leave?</p> <p>6 A. I will say I was supposed to be</p> <p>7 there around five and leave at closing time.</p> <p>8 Q. And how many days a week did you</p> <p>9 do that?</p> <p>10 A. I will say probably about -- I</p> <p>11 know the weekends. About four or five days</p> <p>12 or three to four days. I'm not sure.</p> <p>13 Q. Was that the case the entire year</p> <p>14 you worked there?</p> <p>15 A. Ma'am?</p> <p>16 Q. Was that the case the entire time</p> <p>17 you worked there where you worked about</p> <p>18 three to five days a week?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And worked the nighttime hours?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. And who was your supervisor when</p> <p>23 you worked at Pappadeaux?</p>

11 (Pages 41 to 44)

Alexandria Bennett

6/14/2023

Page 45	Page 47
<p>1 A. Mr. Warren.</p> <p>2 Q. What was your job title there?</p> <p>3 A. I only worked at the pantry</p> <p>4 section -- station, I mean, I'm sorry.</p> <p>5 Q. Was that a stand-up job?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. And did you have any other jobs</p> <p>8 at Pappadeaux?</p> <p>9 A. No, ma'am.</p> <p>10 Q. What did you earn there?</p> <p>11 A. I will say probably about 14 -- I</p> <p>12 can't recall -- I believe.</p> <p>13 Q. Were you working at Pappadeaux on</p> <p>14 October 15, 2020?</p> <p>15 A. I think I had stopped working</p> <p>16 there by then.</p> <p>17 Q. And why did you stop working at</p> <p>18 Pappadeaux?</p> <p>19 A. I went to be full-time with</p> <p>20 Outback.</p> <p>21 Q. When you were working at</p> <p>22 Pappadeaux, were you part-time with Outback?</p> <p>23 A. No. I was still full-time.</p>	<p>1 Outback and when you started with Milo's?</p> <p>2 A. No, ma'am, I don't think so.</p> <p>3 Q. Were there any jobs that you</p> <p>4 applied for but did not get in between that</p> <p>5 time period?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Tell me about those.</p> <p>8 A. I did numerous applications.</p> <p>9 Q. Were there places where you sent</p> <p>10 in an application, and then you would get</p> <p>11 called back for an interview?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Did you make it to the interview</p> <p>14 point for any of those jobs?</p> <p>15 A. Uh-huh (affirmative).</p> <p>16 Q. And what were you told at the</p> <p>17 interviews?</p> <p>18 A. I would receive a call back or</p> <p>19 something like that.</p> <p>20 Q. And then you didn't receive a</p> <p>21 call?</p> <p>22 A. Uh-uh (negative).</p> <p>23 Q. Okay. Do you remember where any</p>
Page 46	Page 48
<p>1 Q. Okay.</p> <p>2 A. But you know when I said "morning</p> <p>3 and night," I went back to work morning and</p> <p>4 night with Outback. So I gave up my nights</p> <p>5 at one point and went to Pappadeaux. And</p> <p>6 then I stopped working with them, and I was</p> <p>7 just full-time with Outback.</p> <p>8 Q. Okay. And did your leaving</p> <p>9 Pappadeaux have anything to do with any of</p> <p>10 the claims you are making in this lawsuit?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Because that happened before the</p> <p>13 incident; is that right?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. All right. After your job at</p> <p>16 Outback ended, I believe you told me there</p> <p>17 was a period of time where you were not</p> <p>18 employed at all; is that correct?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And then you started those temp</p> <p>21 jobs with the warehouses; is that right?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Okay. Any other jobs in between</p>	<p>1 of those jobs were that you applied for but</p> <p>2 did not get?</p> <p>3 A. A lot of hospital jobs. I tried</p> <p>4 to get the sit-down jobs and stuff.</p> <p>5 Q. Now, are you claiming that you</p> <p>6 missed time from work as a result of the</p> <p>7 incident on October 15, 2020?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. And that would have been</p> <p>10 time that you missed from your job with</p> <p>11 Outback on 280?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Are you claiming that you missed</p> <p>14 time from work with any other jobs as a</p> <p>15 result of October 15, 2020?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. Where else?</p> <p>18 A. I think I was let go because I</p> <p>19 wasn't able to perform. Like, all the temp</p> <p>20 service jobs, I think I was let go because I</p> <p>21 wasn't able to perform.</p> <p>22 Q. Okay. What did you earn through</p> <p>23 those temp jobs, the warehouses?</p>

12 (Pages 45 to 48)

Alexandria Bennett

6/14/2023

<p style="text-align: right;">Page 49</p> <p>1 A. The bare minimum, like, \$12 to 2 \$13. Or sometimes 8 they -- they would say. 3 COURT REPORTER: Did you say 4 "Sometimes 8?" 5 A. Like, 8.75. 6 Q. (By Ms. Gordon) Did you resign 7 from any of the temp jobs that you had in 8 between Outback and Milo's? 9 A. No, ma'am. 10 Q. Any of them that ended, it was 11 because you were let go? 12 A. Yes, ma'am. 13 Q. And it's your testimony that you 14 were let go from those jobs because you 15 could not perform your job duties? 16 A. Yes, ma'am. 17 Q. And would it be PrideStaff and 18 Dedicated Personnel that would have any 19 payroll or attendance records for those temp 20 jobs? 21 A. Yes, ma'am. 22 Q. All right. Tell me about any 23 time that you missed from work at Outback</p>	<p style="text-align: right;">Page 51</p> <p>1 even though you were scheduled to work a 2 full day because of injuries you relate to 3 the incident at Wal-Mart? 4 A. So are you saying, like, did 5 I decide to stay there even though I 6 couldn't -- I wasn't able to stand up or 7 something? 8 Q. No. It would be more, like, are 9 you claiming that there were days you had to 10 call in and say, I can't come because I am 11 in so much pain or -- 12 A. No, ma'am. Because I had bills, 13 so I had to go to work. 14 Q. Okay. And you were not provided 15 health insurance through Outback; correct? 16 A. No, ma'am. 17 Q. That was a bad question. 18 Did Outback provide you with 19 health insurance? 20 A. I didn't have health insurance. 21 Q. Okay. Have you ever applied for 22 unemployment benefits? 23 A. No, because I was working during</p>
<p style="text-align: right;">Page 50</p> <p>1 280 that you claim was a result of 2 October 15, 2020. 3 A. Can you explain that question? 4 Q. Sure. Are you claiming that 5 there were days that you could not go to 6 work at Outback because of the incident at 7 Wal-Mart? 8 A. I went to work. I couldn't 9 perform the duties of the job like I was 10 supposed to, like I did before the accident. 11 Q. Okay. And I understand that your 12 testimony is that you were let go from there 13 because you could not perform the jobs; is 14 that right? 15 A. Yes, ma'am. 16 Q. Okay. But before you were let 17 go, were there any days where you are 18 claiming you couldn't go to work because of 19 injuries you relate to the incident at 20 Wal-Mart? 21 A. No, ma'am. 22 Q. Or are you claiming that there 23 were days where you couldn't work a full day</p>	<p style="text-align: right;">Page 52</p> <p>1 that time, so I couldn't apply. 2 By the time I was let go, I'm not 3 sure if I applied for it. I don't think I 4 did. I don't know. 5 Q. Okay. And before we move on to 6 another topic, I'm going to mark a pay stub 7 that you gave us as part of your document 8 production as Defendant's Exhibit 1. And I 9 am going to give you a copy of it. And I 10 think I have mine. 11 Is this one of your pay stubs 12 from when you worked at Outback? 13 A. Yes, ma'am. 14 (Whereupon, Defendant's Exhibit 15 No. 1 was marked and is attached 16 to the original transcript.) 17 Q. (By Ms. Gordon) Okay. And what 18 is the -- this was for the pay period of 19 June 3, 2019, through June 16, 2019; is that 20 correct? It looks like the top right is 21 where I saw it. 22 A. Yes, ma'am. 23 Q. Okay. And it says that -- so</p>

13 (Pages 49 to 52)

Alexandria Bennett

6/14/2023

Page 53	Page 55
<p>1 that would have been before October 15, 2 2020; right?</p> <p>3 A. Uh-huh (affirmative).</p> <p>4 Q. Is that a yes?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Okay.</p> <p>7 A. I'm sorry.</p> <p>8 Q. That's okay. And in June of 9 2019, it looks like your pay rate was 10 \$15.25. Does that sound right to you?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And you were paid on a biweekly 13 basis?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay. Do you think that your pay 16 changed between June of 2019 and October of 17 2020?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. All right. Do you have a more 20 current pay statement from Outback or one 21 that was closer to October of 2020?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Would your pay have increased</p>	<p>1 two-week pay period; correct?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. So the total number of hours 4 worked would be for a two-week period; is 5 that right?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. So you worked about 36.5 hours 8 over a two-week period; is that right?</p> <p>9 A. Or more, yes, ma'am.</p> <p>10 Q. And it lists your -- in the 11 earnings section, it lists your job as 12 A.M. prep. Do you know what that stands 13 for?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. What does it stand for?</p> <p>16 A. A.M. prep.</p> <p>17 Q. Like, morning prep?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. A prep cook?</p> <p>20 A. That's the job description that 21 they had me in as.</p> <p>22 Q. Did that job description ever 23 change on your pay statement when you became</p>
<p>1 between June of 2019 and October of 2020?</p> <p>2 A. I made a lot of hours at Outback. 3 So I think it would have probably been more 4 around the same. How many hours are on 5 there? Yeah, I worked a lot of hours there.</p> <p>6 Q. Yes, this one shows 36.5667. So 7 would that be a typical week for you at 8 Outback?</p> <p>9 A. On 280, I was working overtime. 10 So I got more than 36 hours over there.</p> <p>11 Q. And it looks like this was the 12 280 one. Do you see the unit? It says 13 "Inverness." Is that the 280 location? 14 Kind of top middle.</p> <p>15 A. Top middle?</p> <p>16 Q. Yes. Let me point to it. I saw 17 it right there (indicating).</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. So does that mean this was a pay 20 statement from the 280 location?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. And it's for a pay period of 23 about 13 days. So that would be about the</p>	<p>1 manager?</p> <p>2 A. No, ma'am. They just changed the 3 pay, the pay rate.</p> <p>4 Q. Okay. And your current job, have 5 you been told an end date, or is it just 6 kind of to be determined?</p> <p>7 A. It's a temp service so, you know, 8 it's temp to hire.</p> <p>9 Q. Okay. What about have you ever 10 been arrested or convicted of a crime?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Have you ever filed for 13 bankruptcy?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Are you a member of any churches, 16 social clubs, or organizations in either 17 Jefferson, Blount, or Shelby County?</p> <p>18 A. Say that again.</p> <p>19 Q. Sure.</p> <p>20 A. Do I go to church?</p> <p>21 Q. I'm just asking -- this is just 22 for purposes of picking people for the jury. 23 I don't want some of your church members,</p>

14 (Pages 53 to 56)

Alexandria Bennett

6/14/2023

Page 57	Page 59
<p>1 your friends, or friends from other 2 organizations on the jury, just like you 3 probably wouldn't want people that are 4 employed by Wal-Mart or something on the 5 jury.</p> <p>6 But do you have any -- are you a 7 member of any churches, social clubs, or 8 organizations in either Jefferson, Shelby 9 County, or Blount County?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Okay. All right. Before 12 October 15, 2020, were you taking any 13 medication on a regular basis?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Were you suffering from any 16 chronic medical conditions before 17 October 15, 2020?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Had you been diagnosed with 20 diabetes or high blood pressure, anything 21 like that, before October 15, 2020?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Have you since been diagnosed</p>	<p>1 Q. Had you ever suffered any 2 injuries to either of your hips before 3 October 15, 2020?</p> <p>4 A. No, ma'am.</p> <p>5 Q. What about to either of your 6 ankles; had you ever suffered any injuries 7 to either of your ankles before October 15, 8 2020?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Will you tell me about that, 11 please?</p> <p>12 A. I have been in a car accident 13 before.</p> <p>14 Q. Okay. When was that?</p> <p>15 A. I believe -- I believe at the 16 beginning of 2020.</p> <p>17 Q. Okay. Where were you when that 18 happened?</p> <p>19 A. Birmingham, Alabama.</p> <p>20 Q. Were you on the interstate or the 21 side road or -- where were you?</p> <p>22 A. I was on a regular road.</p> <p>23 Q. Okay. What part of Birmingham?</p>
<p>1 with any chronic medical conditions? And 2 that would be things that require you to 3 take medicine on a regular basis, like high 4 blood pressure or diabetes.</p> <p>5 A. No, ma'am.</p> <p>6 Q. Did you play any sports in high 7 school?</p> <p>8 A. I ran track.</p> <p>9 Q. Were you ever injured doing that?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Have you ever suffered an 12 on-the-job injury?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Have you ever filed for workers' 15 compensation benefits?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Before October 15, 2020, were you 18 involved in any sports or exercise 19 activities?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Before October 15, 2020 had you 22 ever suffered any injuries to your back?</p> <p>23 A. No, ma'am.</p>	<p>1 A. I think it was Birmingham, 2 Alabama, like the west side or something.</p> <p>3 Q. Okay. And tell me how the 4 accident happened.</p> <p>5 A. It was raining, and I lost 6 control of the vehicle. A head collision -- 7 a head-on collision.</p> <p>8 Q. With another car?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. You were the driver of your car?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. What type of car were you in?</p> <p>13 A. Hyundai Sonata.</p> <p>14 Q. Was anybody in the car with you?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Who was with you?</p> <p>17 A. A friend.</p> <p>18 Q. What was his or her name?</p> <p>19 A. I don't know the last name. Brandon.</p> <p>20 Q. Okay. Was a police report 21 completed as a result of that accident?</p> <p>22 A. Yes, ma'am.</p>

15 (Pages 57 to 60)

Alexandria Bennett

6/14/2023

Page 61	Page 63
<p>1 Q. Do you remember which police 2 entity -- that's the best word I can come up 3 with -- completed it?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Was it, like, the Birmingham 6 Police Department or a city police 7 department?</p> <p>8 A. I believe so. Probably.</p> <p>9 Q. You think it was Birmingham?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Were you given any citations or 12 tickets as a result of that accident?</p> <p>13 A. What does that mean?</p> <p>14 Q. Like, did they give you a ticket, 15 like, for no insurance or no seat belt or 16 speeding or DUI or anything like that?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Okay. Was the Hyundai damaged in 19 the accident?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Was it totaled?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Did you have automobile insurance</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. And which hospital were you taken 3 to?</p> <p>4 A. Grandview.</p> <p>5 Q. Were you diagnosed with any 6 fractures or broken bones at Grandview?</p> <p>7 A. No, ma'am.</p> <p>8 Q. Did you stay there overnight, or 9 did you go home the same day?</p> <p>10 A. I was in the hospital a few days 11 because I was bleeding internally from the 12 spleen.</p> <p>13 Q. Did you have surgery on your 14 spleen?</p> <p>15 A. No, ma'am. They called it off.</p> <p>16 Q. Did you have to have surgery on 17 your knee or your ankle?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Did you receive treatment from 20 anywhere else, besides Grandview, as a 21 result of the 2020 automobile accident?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Did you ever have to see an</p>
Page 62	Page 64
<p>1 back then?</p> <p>2 A. I'm not sure.</p> <p>3 Q. Do you have it now?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Who is it with now?</p> <p>6 A. It's a funny name. I can't 7 remember the name of it.</p> <p>8 Q. If you think of it, just feel 9 free to interrupt me and let me know.</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. Were you injured in the 12 automobile accident?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. How were you injured?</p> <p>15 A. My spleen was cracked internally. 16 My knee was saturated [sic]. And my ankle 17 was sprained.</p> <p>18 Q. Okay. Which knee?</p> <p>19 A. The left -- left one.</p> <p>20 Q. And which ankle?</p> <p>21 A. Right.</p> <p>22 Q. Were you taken by ambulance from 23 the scene?</p>	<p>1 orthopedic doctor for any injuries from the 2 automobile accident?</p> <p>3 A. No, ma'am.</p> <p>4 Q. Okay. So after that initial ER 5 visit, there was no other treatment related 6 to the automobile accident?</p> <p>7 A. No, ma'am.</p> <p>8 Q. Did any lawsuits arise out of 9 that accident?</p> <p>10 A. No, ma'am.</p> <p>11 Q. You haven't been sued and you 12 haven't sued anybody about that?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Any other injuries to either your 15 hip, back, or ankles before October 15, 16 2020?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Okay. And besides the treatment 19 at Grandview, had any doctors treated you 20 for any hip, back, or ankle pain or problems 21 before October 15, 2020?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Were you given a specific</p>

16 (Pages 61 to 64)

Alexandria Bennett

6/14/2023

Page 65	Page 67
<p>1 diagnosis with regard to your ankle 2 following the 2020 automobile accident?</p> <p>3 A. The biggest thing was my knee, 4 because it had saturated out -- and the 5 spleen -- because it was cracked internally. 6 They wanted the blood to stop, and it 7 stopped on its own.</p> <p>8 Q. Okay. Did you have to wear any 9 braces on your knee or your ankle after 10 that?</p> <p>11 A. Uh-uh (negative).</p> <p>12 Q. Is that a no?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Thank you. Did the automobile 15 cause you -- accident cause you to have pain 16 in either your knee or your ankle?</p> <p>17 A. My knee was hurting, but I think 18 my ankle was sprung or something -- 19 sprained.</p> <p>20 Q. How long did it take for your 21 knee pain to go away, if it did?</p> <p>22 A. Not long.</p> <p>23 Q. Like a few weeks? A few months?</p>	<p>1 those injuries?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Had all of the injuries from the 4 automobile accident healed by the time the 5 incident at Wal-Mart happened?</p> <p>6 A. I believe so.</p> <p>7 Q. And when you went to the ER after 8 the automobile accident, did any of the 9 doctors there recommend that you seek any 10 additional treatment for any of your 11 injuries from the automobile accident?</p> <p>12 A. I'm not sure. I'm not sure.</p> <p>13 Q. Was that ER visit something you 14 had to pay for out of pocket after the 15 automobile accident?</p> <p>16 A. I'm not sure.</p> <p>17 Q. Okay. Did you have health 18 insurance back then when the automobile 19 accident happened?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Have you been involved in any 22 other automobile accidents, whether you were 23 the driver or a passenger, before</p>
Page 66	Page 68
<p>1 A. I will say a few weeks, I guess, 2 because I had to get it stitched up.</p> <p>3 Q. Did you miss some work as a 4 result of the automobile accident?</p> <p>5 A. Whatever time they told me to be 6 off, that's what I was off, and I went back 7 to work.</p> <p>8 Q. Okay. And did your ankle hurt 9 you at all after the automobile accident?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Did you report ankle pain at the 12 ER that day, the day of the automobile 13 accident?</p> <p>14 A. It was sprained.</p> <p>15 Q. Okay. And did the pain go away 16 right after you left the emergency room, or 17 did it linger for some time?</p> <p>18 A. It didn't go right away, but I 19 think they said it was healed. The biggest 20 -- the biggest thing was my knee and, on the 21 inside, my spleen.</p> <p>22 Q. And you didn't have to have any 23 follow-up treatment with anyone for any of</p>	<p>1 October 15, 2020?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Okay. Have you been in any 4 automobile accidents since October 15, 2020?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Have you suffered any falls or 7 other injuries to either your hip, your 8 back, or your ankles since October 15, 2020?</p> <p>9 A. Does that mean, like, have I -- 10 did I have continuous pain or something?</p> <p>11 Q. No. I'm really asking more, 12 like, have there been any -- I know you are 13 claiming that you fell on October 15, 2020.</p> <p>14 A. Uh-huh (affirmative).</p> <p>15 Q. Since that date, have you fallen 16 on any other occasions or been involved in 17 any other sort of accidents that led to 18 injuries to your ankle, hip, or your back.</p> <p>19 A. No, ma'am.</p> <p>20 Q. Okay. Were you given any 21 medication for the injuries caused by the 22 automobile accident?</p> <p>23 A. No, ma'am. I can't recall.</p>

17 (Pages 65 to 68)

Alexandria Bennett

6/14/2023

Page 69	Page 71
<p>1 Q. Okay. What was your pharmacy 2 back then when you had the automobile 3 accident? Where did you get prescriptions 4 filled?</p> <p>5 A. Usually, I will go to the 6 Wal-Mart Pharmacy.</p> <p>7 Q. Which location?</p> <p>8 A. Or not -- well, if it was 9 Wal-Mart, it was the one in Pelham.</p> <p>10 Q. Okay.</p> <p>11 A. And I go to CVS.</p> <p>12 Q. And which CVS?</p> <p>13 A. It would have been the one, like, 14 between Montgomery Highway...</p> <p>15 Q. Okay.</p> <p>16 A. I think that's where it is. In 17 Hoover.</p> <p>18 Q. All right. Who do you consider 19 your primary care doctor today?</p> <p>20 A. Today?</p> <p>21 Q. Yes.</p> <p>22 A. No one.</p> <p>23 Q. If you thought you had the flu or</p>	<p>1 treated at Grandview. And then I am going 2 to get to the point where I talk to you 3 about where you were treated for injuries 4 you relate to the incident at Wal-Mart. 5 But have you been to any other 6 ERs besides Grandview -- had you been before 7 October 15, 2020?</p> <p>8 A. Any other ERs?</p> <p>9 Q. Yes, ma'am.</p> <p>10 A. Before 2020?</p> <p>11 Q. Yes.</p> <p>12 A. I mean, if I went to the 13 hospital, it would have been in Shelby, at 14 Shelby Baptist.</p> <p>15 Q. All right. What about were there 16 any urgent cares where you went more than 17 once before October 15, 2020?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Okay.</p> <p>20 A. I don't think so.</p> <p>21 Q. Where did you deliver your 22 daughter?</p> <p>23 A. I delivered her -- I was supposed</p>
<p>1 strep throat or something like that, where 2 would you go?</p> <p>3 A. I would go to UAB's -- I'm sorry. 4 I think it's, like, Urgent Care or 5 something.</p> <p>6 Q. But it's affiliated with UAB?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Okay. And back when -- like, 9 back early 2020, who did you consider your 10 primary care doctor?</p> <p>11 A. I can't recall.</p> <p>12 Q. I saw somewhere there was a 13 mention of a Dr. Shelley, and the last name 14 started with a "W," like Weisen-something. 15 Does that ring any bells?</p> <p>16 A. I'm not sure.</p> <p>17 Q. That's fine. I can't even 18 remember the last name.</p> <p>19 Okay. Sitting here today, do you 20 recall any of your prior primary care 21 doctors?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Okay. I know you have been</p>	<p>1 to deliver her at Shelby, but I delivered 2 her at UAB.</p> <p>3 Q. Okay. Had you undergone any 4 surgeries before October 15, 2020?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Had you broken any bones before 7 October 15, 2020?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Had you seen a chiropractor 10 before October 15, 2020?</p> <p>11 A. No, ma'am.</p> <p>12 Q. What about since October 15, 13 2020, have you seen any chiropractors?</p> <p>14 A. After?</p> <p>15 Q. Yes.</p> <p>16 A. I'm not sure.</p> <p>17 Q. Okay. And have you suffered any 18 broken bones since October 15, 2020?</p> <p>19 A. You are talking about, like, have 20 I broke something else or something?</p> <p>21 Q. Yes.</p> <p>22 A. No, ma'am.</p> <p>23 Q. Okay. Have you had an ER visit</p>

18 (Pages 69 to 72)

Alexandria Bennett

6/14/2023

Page 73	Page 75
<p>1 since the incident at Wal-Mart, not related 2 to that?</p> <p>3 A. No, ma'am.</p> <p>4 Q. Okay.</p> <p>5 A. But I had COVID. I'm sorry.</p> <p>6 Q. I see. Where were you treated 7 for that?</p> <p>8 A. I think UAB. UAB told me I had 9 COVID.</p> <p>10 Q. Okay. Are you doing okay, or do 11 you need a break?</p> <p>12 A. Can we take a break?</p> <p>13 Q. Sure. It's a good stopping 14 point. That's why I asked.</p> <p>15 A. Okay.</p> <p>16 (Whereupon, a brief recess was 17 taken from 2:42 p.m. until 18 2:49 p.m.)</p> <p>19 Q. (By Ms. Gordon) Okay. How tall 20 are you?</p> <p>21 A. I will say probably, like, 22 five-four.</p> <p>23 Q. Five-four. And now I want to ask</p>	<p>1 A. Uh-uh (negative). I don't think 2 I've seen myself on a video.</p> <p>3 Q. Okay.</p> <p>4 A. But it was -- it was on, like, 5 the other side of something.</p> <p>6 Q. Well, and that's what -- I will 7 represent to you that they tried to find a 8 video. There is no video on the aisle where 9 this happened. And so --</p> <p>10 A. Yes, because I was surprised. I 11 had -- I had heard that you-all didn't have 12 a camera on that -- on that aisle.</p> <p>13 Q. Correct. And so they provided 14 the video footage from the cameras nearest 15 that aisle.</p> <p>16 A. Okay.</p> <p>17 Q. So those are the ones we have. 18 Those are the ones that I have sent to your 19 attorney.</p> <p>20 And like I said, I looked through 21 them, and I couldn't identify you. And I 22 was just curious if you were able -- if you 23 had looked at them and seen yourself shown</p>
<p>1 you about October 15, 2020. Tell me about 2 what time the incident we are here about 3 today happened.</p> <p>4 A. I know -- I know it was getting 5 towards nighttime.</p> <p>6 Q. And from the surveillance videos 7 that we got from Wal-Mart, it looks like -- 8 well, they cover a big span. But I think 9 the notes I have say it was around 7:20.</p> <p>10 Does that sound right to you?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Have you seen any of those 13 surveillance videos that I sent to your 14 lawyer?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Okay. Were you able to -- were 17 you shown on any of those videos? Because I 18 tried to look for you, but I didn't know 19 what you looked like, so that made it hard.</p> <p>20 A. I've got the picture -- oh, no. 21 That was a picture then. No.</p> <p>22 Q. Okay. You haven't seen any of 23 the videos?</p>	<p>1 on any of the videos. 2 Do you remember one way or the 3 other today if you are shown on any of those 4 videos?</p> <p>5 A. No, ma'am, because -- no, ma'am.</p> <p>6 Q. Okay. That's fine. 7 All right. So we think it was 8 about 7:20. So towards the end of the day; 9 is that right?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. And you were living at The Pearl 12 at the time?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. And this was at the Wal-Mart in 15 Helena?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. What had you been doing 18 that day?</p> <p>19 A. I was going in there shopping for 20 dinner.</p> <p>21 Q. Okay. And from my recollection, 22 there is a Wal-Mart probably a little closer 23 to you in Homewood. Were you in Helena for</p>

19 (Pages 73 to 76)

Alexandria Bennett

6/14/2023

<p>1 a reason? What were you doing in Helena?</p> <p>2 A. At that time, my daughter's</p> <p>3 grandmother, they are, like, from there.</p> <p>4 So, you know, you can go a way to Bessemer.</p> <p>5 So we would go through that way and stop</p> <p>6 right there at that -- in Helena going to</p> <p>7 her grandma's house.</p> <p>8 Q. Okay. And so when you say --</p> <p>9 it's your daughter's grandmother?</p> <p>10 A. Uh-huh (affirmative).</p> <p>11 Q. So would it be Kevin's --</p> <p>12 A. Kevin's mom.</p> <p>13 Q. Kevin's mom?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. And she lives in Helena?</p> <p>16 A. She lives in Bessemer.</p> <p>17 Q. In Bessemer?</p> <p>18 A. Uh-huh (affirmative).</p> <p>19 Q. So where were you -- were you</p> <p>20 driving to Bessemer when you stopped at the</p> <p>21 Helena Wal-Mart? Where were you coming from</p> <p>22 and where were you headed when you stopped</p> <p>23 at --</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Who was with you?</p> <p>3 A. Kevin.</p> <p>4 Q. That's Kevin [REDACTED]?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Was it already dark outside when</p> <p>7 you stopped there?</p> <p>8 A. I can't -- I don't remember.</p> <p>9 Q. And another test of your memory,</p> <p>10 what was the weather like then?</p> <p>11 A. It was fine.</p> <p>12 Q. All right. No rain?</p> <p>13 A. No, ma'am.</p> <p>14 Q. The parking lot wasn't wet as far</p> <p>15 as you remember?</p> <p>16 A. No, ma'am. It wasn't raining</p> <p>17 that day.</p> <p>18 Q. And what were you stopping at</p> <p>19 Wal-Mart for?</p> <p>20 A. To get a couple of items.</p> <p>21 Q. Do you remember what you were</p> <p>22 getting?</p> <p>23 A. No, ma'am.</p>
<p>Page 78</p> <p>A. I believe I was going to get her. That would have been the only way I was in Helena, because Helena is right by Bessemer. We will take that road right there to get to Allyson's grandma's house.</p> <p>Q. Had you worked that day?</p> <p>A. I can't recall.</p> <p>Q. Okay. But you think you were probably coming from the Homewood area or possibly from the Outback?</p> <p>A. I wasn't coming from the Homewood area. I'm not sure what I was -- where I was coming from.</p> <p>Q. Okay. But you think you ended up in Helena because you were on your way to Bessemer to get your daughter?</p> <p>A. Yes, ma'am.</p> <p>Q. Okay. Had you already picked up your daughter by the time you stopped at the Helena Wal-Mart?</p> <p>A. No, ma'am.</p> <p>Q. Was anyone with you when you stopped at the Helena Wal-Mart?</p>	<p>Page 80</p> <p>Q. All right. Which -- is there more than one entrance to that store?</p> <p>A. Yes, ma'am.</p> <p>Q. Do you remember which entrance you went in?</p> <p>A. No, ma'am.</p> <p>Q. Did Kevin go inside with you?</p> <p>A. Yes, ma'am.</p> <p>Q. I took some screenshots from the surveillance video so that maybe it would refresh your recollection about which entrance you went in. And I will mark the first one as Defendant's Exhibit 2 and the second one as Defendant's Exhibit 3.</p> <p>Do you recognize either of these as being the entrance that you went in?</p> <p>A. I can't remember which entrance I went in.</p> <p>(Whereupon, Defendant's Exhibit Nos. 2 and 3 were marked and are attached to the original transcript.)</p> <p>Q. (By Ms. Gordon) That's fine.</p>

Alexandria Bennett

6/14/2023

Page 81	Page 83
<p>1 Okay. So you went in an 2 entrance. And once you got inside, where 3 did you go from there?</p> <p>4 A. I'm not sure. I just know I went 5 in there to get a few items for dinner. I 6 don't remember, like, everything I did. I 7 don't remember.</p> <p>8 Q. Okay. Where did the incident 9 happen?</p> <p>10 A. On the water aisle.</p> <p>11 Q. Like, where they sell the bottled 12 water? Is that what you mean by "the water 13 aisle"?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Did you and Kevin stay together 16 the entire time you were in Wal-Mart that 17 night?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And did you have a buggy with 20 you, a cart, a grocery cart?</p> <p>21 A. I'm not sure.</p> <p>22 Q. Were you carrying anything like a 23 purse or a phone?</p>	<p>1 Q. You went down some other aisles 2 first?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Did you have any problems going 5 down those aisles?</p> <p>6 A. No, ma'am.</p> <p>7 Q. Did you observe anything on the 8 aisles you went down before the water aisle 9 that caused you any concern?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Did you pass by any employees of 12 Wal-Mart that you remember before you went 13 down the water aisle?</p> <p>14 A. I don't remember.</p> <p>15 Q. Okay. All right. And if you 16 will, just describe for me in as much detail 17 as you can what happened that day on the 18 water aisle.</p> <p>19 A. I went to reach to get some 20 water, and I slipped and fell.</p> <p>21 Q. About how far down the water 22 aisle was it when this happened -- where 23 this happened?</p>
<p style="text-align: center;">Page 82</p> <p>1 A. I know I probably had my purse 2 over my shoulder.</p> <p>3 Q. What were you wearing that 4 evening?</p> <p>5 A. I'm not sure, but I know I had 6 some burgundy -- or some colored hair.</p> <p>7 Q. Okay. Any idea what shoes you 8 were wearing that evening?</p> <p>9 A. They were sturdy shoes.</p> <p>10 Q. Can you describe them for me?</p> <p>11 A. No, ma'am.</p> <p>12 Q. How long had you been in this 13 store before the fall happened?</p> <p>14 A. I don't believe I was in there 15 long.</p> <p>16 Q. Any estimate as to how long?</p> <p>17 A. I will probably say, I believe, 18 probably 10 to 15 minutes.</p> <p>19 Q. Did you go down other aisles 20 before you went down the water aisle, or did 21 you go straight to the water aisle when you 22 got there?</p> <p>23 A. No, ma'am.</p>	<p style="text-align: center;">Page 84</p> <p>1 A. I don't think I was down too far.</p> <p>2 Q. Like, had you made it halfway or 3 not even halfway? Any idea?</p> <p>4 A. No, it wasn't halfway.</p> <p>5 Q. Did you enter the water aisle 6 from the front of the store or the back of 7 the store?</p> <p>8 A. It was the back of the store, I 9 think -- I believe.</p> <p>10 Q. Was anything blocking your view 11 of the water aisle before you walked down 12 it?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Was there anything blocking your 15 view of the floor on the water aisle before 16 you walked down it?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Were there any displays or 19 anything out in the middle of the aisle of 20 the water aisle that day?</p> <p>21 A. No, ma'am.</p> <p>22 Q. Okay. Were you sick that day?</p> <p>23 A. No, ma'am.</p>

21 (Pages 81 to 84)

Alexandria Bennett

6/14/2023

Page 85	Page 87
<p>1 Q. And you had your contacts on; 2 right? 3 A. Yes, ma'am. 4 Q. Okay. Did you see anything on 5 the floor of the water aisle before you 6 walked down it that day? 7 A. I mean, the floor was -- you know 8 how you see, like, scuff marks? The floor 9 was, like, real scuffed up there so -- you 10 know, besides the dirty scuff marks, I 11 didn't -- I didn't see anything. 12 Q. Okay. Had you been in the Helena 13 Wal-Mart store before October 15, 2020? 14 A. Have I been there before? 15 Q. Yes. 16 A. Yes, ma'am. 17 Q. Okay. How often did you go there 18 before October 15th? 19 A. Here and there. 20 Q. Would you say you were familiar 21 with it before that date? Like, if you went 22 in there, you knew where things were that 23 you were shopping for?</p>	<p>1 Q. Anything that you thought -- 2 anything you saw that you thought was a 3 safety hazard while you were there shopping 4 before October 15, 2020? 5 A. No, ma'am. 6 Q. Had you ever had any problems 7 shopping at that store before October 15, 8 2020? 9 A. No, ma'am. 10 Q. All right. And on October 15, 11 2020, did you and Kevin enter the water 12 aisle at the same time? 13 A. Yes, ma'am. 14 Q. Were y'all walking side by side 15 or one in front of the other? Do you 16 remember? 17 A. Something like that. Something 18 like that, yes, ma'am. He was on the aisle. 19 Q. He was on the aisle. Okay. And 20 y'all entered it at the same time? 21 A. Yes, ma'am. 22 Q. And you make it, what, about a 23 fourth of the way down the aisle?</p>
<p style="text-align: center;">Page 86</p> <p>1 A. No, ma'am, not like every -- 2 because sometimes I would go to the Pelham 3 Wal-Mart. 4 Q. Okay. But you had been in there 5 on at least one other occasion before 6 October 15, 2020? 7 A. Yes, ma'am. 8 Q. Had it been more than ten 9 occasions? 10 A. I can't recall. 11 Q. On any of the occasions on which 12 you went to Wal-Mart before the incident, 13 had you ever seen anything that concerned 14 you while you were shopping there? 15 A. Have I -- have I -- can you 16 repeat that? 17 Q. Sure. 18 A. I'm sorry. 19 Q. The trips that you made to the 20 Helena Wal-Mart before October 15, 2020, was 21 there ever anything you observed that 22 concerned you? 23 A. No, ma'am.</p>	<p style="text-align: center;">Page 88</p> <p>1 A. Yes, ma'am. 2 Q. And what were you looking for on 3 that aisle? 4 A. I was shopping for some water, 5 getting some water. 6 Q. Was there a certain brand you 7 were looking for? 8 A. I don't -- I like certain brands 9 of water. I will say that. 10 Q. What type of brands do you like? 11 A. I like alkaline water. I like 12 Avadian water [sic]. I like Smartwater. 13 Q. And I believe I saw somewhere 14 that you were maybe shopping for Smartwater. 15 Would that surprise you if you 16 had told somebody that's what you were 17 shopping for? 18 A. Ma'am? 19 Q. If you had told somebody that day 20 that you were shopping for Smartwater when 21 you fell, would that surprise you? 22 A. I was shopping -- I was going in 23 just for a few items for dinner.</p>

22 (Pages 85 to 88)

Alexandria Bennett

6/14/2023

Page 89	Page 91
<p>1 Q. Right. But you went down the 2 water aisle to get water; is that correct? 3 A. Yes, ma'am. 4 Q. Okay. And were you looking for a 5 case of water or a single bottle of water? 6 A. No, I wouldn't have picked up a 7 case. I think it was probably, like, a jug 8 of water or, you know -- not a case, though. 9 Uh-uh (negative). 10 Q. And sitting here today, do you 11 remember what kind you were shopping for on 12 October 15th -- what brand you were shopping 13 for on October 15th? 14 A. No, ma'am. 15 Q. All right. And had you picked up 16 water off the shelf before you fell? 17 A. I was going to reach for the water, and I fell. 18 Q. You fell in the process of reaching for water? 19 A. Yes, ma'am. 20 Q. Okay. And where was the water located that you were reaching for when you</p>	<p>1 Q. Sitting directly on the shelf? 2 A. I believe, yes, ma'am. I believe so. 3 Q. Was it at the edge of the shelf or further back? 4 A. No. I just was going to reach for some water and just fell. 5 Q. Did you ever reach the water before you fell? 6 A. I'm not sure. 7 Q. Okay. 8 A. I'm not sure. 9 Q. Did you have anything in your hands when you fell? 10 A. I don't think so. 11 Q. All right. And what caused you to fall? 12 A. I think it was dirty water on the floor. 13 Q. What makes you think that? 14 A. Because once I was on the floor, I seen it was water right there. So you know how I said "scuff marks"? It was,</p>
<p>1 fell? 2 A. You are talking about my jug of water or the water -- 3 Q. Right. Like, where -- I assume there are multiple shelves on the aisle; is that right? 4 A. Uh-uh (negative). 5 Q. Is that a yes? 6 A. Yes, ma'am. I'm sorry. 7 Q. Okay. Do you remember which shelf the water was located on, the one that you were reaching for when you fell? 8 A. The top shelf. 9 Q. Okay. Was the water bottle -- is it fair to say it was a water bottle that you were reaching for? Is that accurate? 10 Or water jug? 11 A. Yes, ma'am. 12 Q. Okay. Either one, whether you were reaching for a water bottle or a water jug, was that item sitting directly on the shelf, or was it in a box or on a pallet? 13 A. It was on the shelf.</p>	<p>1 like, dirty water, scuff marks. 2 Q. Had you seen any dirty water on the floor of the water aisle before you fell? 3 A. You said did I see any dirty water? 4 Q. Or any water or any liquid substance on the floor of the water aisle before you fell. 5 A. No, ma'am. 6 Q. All right. Tell me what motion your body -- what movements your body made when it fell, like, how you landed and -- if you can, describe for me how you fell. 7 A. I just know I reached for that water, and I was on the floor. I don't remember how I fell. I just know I was on the floor, because it was just shocking. 8 Q. Did one or both of your feet slip? Or did your feet slip? 9 A. I slipped. I slipped and fell. 10 Q. Did you feel your feet slip before you fell?</p>

23 (Pages 89 to 92)

Alexandria Bennett

6/14/2023

Page 93	Page 95
<p>1 A. It hit -- everything hit me so 2 fast. I mean, I just went to the floor. 3 Q. Okay. 4 A. Slipped and fell. 5 Q. And did you feel your feet slip 6 before you fell? 7 MS. WASHINGTON: Objection. 8 Asked and answered. But you can answer. 9 You can answer. I just do that for the 10 record. 11 Q. (By Ms. Gordon) You can answer. 12 A. Like, I slipped and fell. 13 Q. Okay. And that's what I am 14 asking. Did you feel something slippery 15 under your feet? 16 MS. WASHINGTON: Objection. 17 Answer. 18 A. Yes. 19 Q. (By Ms. Gordon) Okay. And did 20 you feel your feet go out from under you 21 before you fell? 22 A. Yes, ma'am. 23 Q. Was it one or both of your feet</p>	<p>1 A. My hip was hurting, so I'm not 2 sure how I twisted or fell. But it just all 3 happened so fast. 4 Q. Okay. So one minute you are 5 reaching for the water, the next you feel 6 your feet go out from under you, and then 7 you are on your bottom; is that accurate? 8 A. Yes, ma'am. 9 Q. Are there any other details you 10 can tell me about the fall itself or what 11 caused you to fall? 12 A. Any other details, like -- 13 Q. About how the fall happened or 14 any other details about the incident at 15 issue in this lawsuit. 16 A. No, ma'am. 17 Q. Okay. And you mentioned earlier 18 that, after you fell, you noticed some water 19 on the floor. Did I hear you right about 20 that? 21 A. Yes, ma'am. 22 Q. Okay. Where did you notice the 23 water? If you want to tell me in relation</p>
<p>1 that you felt something slippery under? 2 A. I'm not sure. 3 Q. And do you know if one or both of 4 your feet went out from under you? 5 A. Yes, ma'am. Both of them, 6 because I fell to the floor. 7 Q. Okay. Did any part of your body 8 hit anything on the way to the floor? 9 A. No, ma'am. 10 Q. And on what part of your body did 11 you land? 12 A. Like, I'm not sure how I landed. 13 I know what was hurting. I'm not sure how I 14 landed. I landed on my bottom probably. 15 I'm not sure. 16 Q. Was it your bottom that hit the 17 floor first? 18 A. I'm guessing, yes, ma'am. 19 Q. Was it a certain side of your 20 bottom or straight across? I'm just trying 21 to understand the mechanism of the fall 22 since I wasn't there and we don't have a 23 video of it.</p>	<p>1 to your body or in relation to the shelves, 2 either way. 3 A. I noticed the water on the floor 4 once I was down there on the floor. 5 Q. Okay. Was it next to your body 6 or next to the shelves? Where was it on the 7 aisle? 8 A. Next to the pallet. It was a 9 pallet down there. 10 Q. Was the pallet under the shelving 11 unit? 12 A. Yes, ma'am. 13 Q. And did the pallet have some 14 bottled water on it? 15 A. Yes, ma'am. 16 Q. And the water was next to the 17 pallet that you saw on the floor? This gets 18 confusing since it was on the water aisle. 19 The water that you saw on the 20 floor, was it by the pallet holding the 21 bottled water? 22 A. Yes, ma'am. I would -- I would 23 think so because the water was stacked up</p>

24 (Pages 93 to 96)

Alexandria Bennett

6/14/2023

Page 97	Page 99
<p>1 on, like, a raggedy looking pallet thingy.</p> <p>2 Q. Okay.</p> <p>3 A. You know how they had cases of</p> <p>4 water on there? Like that.</p> <p>5 Q. Okay. And you saw some water on</p> <p>6 the floor next to that?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. About what size was the spot of</p> <p>9 water that you saw on the floor next to the</p> <p>10 pallet?</p> <p>11 A. Well, I noticed it was, like, a</p> <p>12 lot of water when I was down there but -- go</p> <p>13 ahead. I'm sorry.</p> <p>14 Q. No. Just was there more than one</p> <p>15 spot of water that you noticed on the floor</p> <p>16 after you fell?</p> <p>17 A. Down on the floor?</p> <p>18 Q. Yes.</p> <p>19 A. It was just around that area.</p> <p>20 That area was dirty. You know how you see</p> <p>21 scuff marks on the floor? So that's what</p> <p>22 you would think it is, like, scuff marks.</p> <p>23 But, like, down there, it's,</p>	<p>1 not sure.</p> <p>2 Q. Okay. You would describe it as</p> <p>3 drips on the floor?</p> <p>4 A. Yes, ma'am. Just water.</p> <p>5 Q. Okay. And they were all in about</p> <p>6 the same area, next to the pallet; is that</p> <p>7 right?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Were the drips -- was there any</p> <p>10 color to the drips you saw on the floor?</p> <p>11 A. You said was there any color?</p> <p>12 Q. Yes, ma'am.</p> <p>13 A. Black.</p> <p>14 Q. Okay. Do you know what the</p> <p>15 substance was that was on the floor that you</p> <p>16 saw after you fell?</p> <p>17 A. I think it was pronounced as</p> <p>18 dirty water on the floor.</p> <p>19 Q. Okay. When you say "it was</p> <p>20 pronounced," did somebody tell you that's</p> <p>21 what it was?</p> <p>22 A. What do you mean?</p> <p>23 Q. What makes you think that it was</p>
Page 98	Page 100
<p>1 like, the scuff marks and the dirty water</p> <p>2 mixed, turned black. You know what I am</p> <p>3 saying? Like that. So you would think it's</p> <p>4 just scuff marks.</p> <p>5 But once I was down there, I was,</p> <p>6 like, Oh, this is water. Do you know what I</p> <p>7 am saying?</p> <p>8 Q. Okay. Was there more than one</p> <p>9 area of water that you saw on the floor</p> <p>10 after you fell?</p> <p>11 A. No, nothing besides the area that</p> <p>12 I was in.</p> <p>13 Q. It was all contained in one area;</p> <p>14 is that right?</p> <p>15 A. I believe so.</p> <p>16 Q. And about what size was that area</p> <p>17 that the water was contained in?</p> <p>18 A. Are you talking about, like, what</p> <p>19 size was the pallet?</p> <p>20 Q. I'm just trying to figure out how</p> <p>21 much water you saw on the ground. And I</p> <p>22 think you have said there were --</p> <p>23 A. Like, drips, I'm guessing. I'm</p>	<p>1 dirty water on the floor?</p> <p>2 A. Because the scuff marks and how</p> <p>3 they had the aisles kept and stuff like</p> <p>4 that, how they keep up the place.</p> <p>5 Q. What do you mean, "how they keep</p> <p>6 up the place"?</p> <p>7 A. Well, once I heard you-all didn't</p> <p>8 have a camera or anything at the -- on the</p> <p>9 aisle, I thought, you know, it was one. So</p> <p>10 I went to Wal-Mart to see if it was a camera</p> <p>11 on that aisle. And I just noticed how they</p> <p>12 kept up the store and stuff during that</p> <p>13 visit.</p> <p>14 Q. Okay. What type of things are</p> <p>15 you talking about that you noticed?</p> <p>16 A. Well, I noticed scuff marks</p> <p>17 still. And I noticed some bread that was</p> <p>18 molded they had out on the shelf. And I</p> <p>19 noticed the dirty floor keeping up, you</p> <p>20 know, with the -- it wasn't -- like, it's</p> <p>21 not well taken care of in there.</p> <p>22 And I did notice a wet spill,</p> <p>23 too, when I went there as well.</p>

25 (Pages 97 to 100)

Alexandria Bennett

6/14/2023

Page 101	Page 103
<p>1 Q. Where was that?</p> <p>2 A. Where was it? On that section,</p> <p>3 on that side -- it wasn't on the side of the</p> <p>4 water, so it was towards the left side of</p> <p>5 the store where I seen that.</p> <p>6 They had a little orange cone up,</p> <p>7 but it was a spill on that -- up under that.</p> <p>8 Q. And when did you make that trip</p> <p>9 back to the Wal-Mart to look around?</p> <p>10 A. I went there last month.</p> <p>11 Q. Last month. Okay. I want to ask</p> <p>12 you some more about October 15, 2020.</p> <p>13 Sitting here today, is there any way for you</p> <p>14 to be certain that that was dirty water that</p> <p>15 you saw on the floor after you fell?</p> <p>16 A. You said am I for certain?</p> <p>17 Q. Yes.</p> <p>18 A. Yes, ma'am. I think I am for</p> <p>19 certain it was dirty water.</p> <p>20 Q. Okay. Do you know where it came</p> <p>21 from?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Do you have any information about</p>	<p>1 A. I don't think they knew. I don't</p> <p>2 know.</p> <p>3 Q. Did you take any photographs</p> <p>4 after you fell or before you fell while you</p> <p>5 were shopping that day?</p> <p>6 A. No, ma'am, I didn't take no</p> <p>7 photos.</p> <p>8 Q. Did you take any videos after you</p> <p>9 fell or while you were shopping that day?</p> <p>10 A. Kevin took the photos.</p> <p>11 Q. Okay. And has Kevin given a copy</p> <p>12 of any photos he took?</p> <p>13 A. If I do have them, I will have to</p> <p>14 look for them or something or just ask him</p> <p>15 about it.</p> <p>16 Q. How many did he take, if you</p> <p>17 know?</p> <p>18 A. It was a couple.</p> <p>19 Q. Okay. And you have provided one</p> <p>20 photograph as part of your document</p> <p>21 production that I will mark -- if I can find</p> <p>22 it -- I will mark as Defendant's Exhibit 4.</p> <p>23 Have you seen this photograph</p>
<p>1 how it got there?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Any idea how long the water had</p> <p>4 been there before you fell?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Has anyone told you that they</p> <p>7 know how long the water had been there</p> <p>8 before you fell?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Has anyone told you that they</p> <p>11 know where the water came from that you saw</p> <p>12 on the floor?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Do you have any evidence or</p> <p>15 reason to believe that Wal-Mart knew there</p> <p>16 was water on the floor of the water aisle</p> <p>17 before you fell?</p> <p>18 A. I can't -- I don't understand</p> <p>19 that. I'm sorry.</p> <p>20 Q. Okay. Do you have any reason to</p> <p>21 believe that any Wal-Mart employees knew</p> <p>22 there was water on the floor of the water</p> <p>23 aisle before you fell?</p>	<p>1 before?</p> <p>2 A. Yes, ma'am.</p> <p>3 (Whereupon, Defendant's Exhibit</p> <p>4 No. 4 was marked and is attached</p> <p>5 to the original transcript.)</p> <p>6 Q. (By Ms. Gordon) Is that one that</p> <p>7 Kevin took, or do you know who took it?</p> <p>8 A. I don't know who took it.</p> <p>9 Q. Or how you got that picture?</p> <p>10 A. It was either from Kevin or the</p> <p>11 lady that was sitting with me at the store.</p> <p>12 Q. Okay. So let's back up. After</p> <p>13 you fall, you see the water in one area that</p> <p>14 we've talked about; right?</p> <p>15 A. Uh-huh (affirmative).</p> <p>16 Q. Is that a yes?</p> <p>17 A. Yes, ma'am. I'm sorry.</p> <p>18 Q. Okay. Did anybody see you fall?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Who saw you fall?</p> <p>21 A. Kevin.</p> <p>22 Q. Has he ever told you what he</p> <p>23 thinks caused you to fall?</p>
	26 (Pages 101 to 104)

Alexandria Bennett

6/14/2023

Page 105	Page 107
<p>1 A. The water caused me to fall. The 2 dirty water. 3 Q. Did he tell you that? 4 A. If he took the pictures -- yes, 5 ma'am. That's what we believed, once we 6 took the pictures. 7 Q. And does the photograph that I 8 have marked as Defendant's Exhibit 4 depict 9 the floor as you saw it after you fell? Did 10 it look like that after you fell? 11 A. Yes, ma'am. 12 Q. Okay. Is that showing the area 13 of water that you told me about? 14 A. Yes, ma'am. 15 Q. Was there water in any other area 16 other than the area that is shown in 17 Exhibit 4? 18 A. No, ma'am. 19 Q. It looks like a part of maybe a 20 hand is -- can you recognize whether that's 21 yours or not? 22 A. That's my hand. 23 Q. Okay. And I assume that's part</p>	<p>1 Q. No. You are doing great. I know 2 it's going on, but we are getting through 3 it, I promise. 4 Okay. So after you fell -- well, 5 did anyone else witness it besides Kevin, 6 your fall? 7 A. Yes, ma'am. 8 Q. Who else? 9 A. It was a lady shopping in the 10 store. I believe her name was Ms. Kellie. 11 Q. All right. And she told you that 12 she saw your fall? 13 A. Yes, ma'am. 14 Q. Did she tell you that she 15 observed anything else happen other than 16 what you have told me here today? 17 A. I just know she was right there 18 with me. And she was just saying that it's 19 dirty; the store is dirty. 20 Q. Had you seen Ms. Kellie before 21 your fall? 22 A. No, ma'am. 23 Q. You hadn't seen her on that aisle</p>
<p style="text-align: center;">Page 106</p> <p>1 of your bottom on the floor? 2 A. Yes, ma'am. 3 Q. Okay. So was that photograph -- 4 well, let me back up. Looking at Exhibit 4, 5 are you able to determine when that 6 photograph was taken? 7 A. No, ma'am. 8 Q. How long did you remain on the 9 floor after you fell? 10 A. About 30 to 40 minutes. 11 Q. Have you and Kevin discussed the 12 fall since it happened? 13 A. No, ma'am. 14 Q. Has he ever told you anything 15 different than what you have told me today 16 about how it happened? 17 A. No, ma'am. 18 Q. He didn't see something else 19 happen that -- from what you have told me? 20 A. No, ma'am. 21 Q. Okay. 22 A. No, ma'am. I'm sorry. I'm 23 talking so low. No, ma'am.</p>	<p style="text-align: center;">Page 108</p> <p>1 before your fall? 2 A. No, ma'am. 3 Q. Okay. And where was Kevin in 4 relation to you when you reached for that 5 water? 6 A. He was on the aisle. 7 Q. Okay. Was he to your left? 8 Right? Was he behind you? 9 A. I think he would have been to my 10 left. 11 Q. And how close was he to you? 12 A. Not close. 13 Q. Okay. A few feet? Ten feet? 14 A. I believe so, yes, ma'am. 15 Q. About ten feet, or a few feet, if 16 you know? 17 A. Just a few feet. 18 Q. Okay. 19 A. Because, you know, you are just 20 walking down the aisle. 21 Q. Were there any customers or 22 employees on the aisle besides Ms. Kellie 23 and Kevin at the time of your fall?</p>

27 (Pages 105 to 108)

Alexandria Bennett

6/14/2023

<p style="text-align: right;">Page 109</p> <p>1 A. I don't recall anybody, no, 2 ma'am.</p> <p>3 Q. Did you see any Wal-Mart 4 employees walk down the water aisle before 5 your fall?</p> <p>6 A. No, ma'am.</p> <p>7 Q. And after your fall, I believe 8 you said Ms. Kellie came to your aid; is 9 that right?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. And what did she help you 12 do, if anything, after the fall, or how did 13 she aid you?</p> <p>14 A. She just tried to calm me down. 15 I think I was, like, hollering and 16 screaming. She comforted me.</p> <p>17 Q. And was Kevin also there with you 18 after your fall? Did he stay with you?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Where did he go?</p> <p>21 A. He was trying to find someone in 22 the store, I believe.</p> <p>23 Q. Did anyone else come to your aid</p>	<p style="text-align: right;">Page 111</p> <p>1 towards when the ambulance was getting 2 there.</p> <p>3 Q. Who called the ambulance?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Okay. Did you have a phone with 6 you that day?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. All right. And were you using it 9 at the time of the fall? Were you on your 10 phone?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Did you make the call to 911?</p> <p>13 A. No, ma'am.</p> <p>14 Q. So did you tell someone that you 15 needed an ambulance?</p> <p>16 A. I needed -- yes. Yes, ma'am.</p> <p>17 Q. Who did you tell that you needed 18 an ambulance?</p> <p>19 A. I'm guessing a worker that came 20 over at the time.</p> <p>21 Q. Okay. So how long after your 22 fall was it that a Wal-Mart employee came to 23 you on the water aisle?</p>
<p style="text-align: right;">Page 110</p> <p>1 while Kevin was gone besides Ms. Kellie?</p> <p>2 A. No, ma'am.</p> <p>3 Q. All right. When Kevin returned, 4 was anyone with him?</p> <p>5 A. I think he was saying he was 6 trying to find someone that worked there. 7 It took a minute to find someone. Like, I 8 was down there 40 minutes so -- well, about 9 40 minutes, so it was a long time before I 10 got some help.</p> <p>11 Q. Did you see any Wal-Mart 12 employees after your fall? Did you talk to 13 any Wal-Mart employees after your fall?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Did any Wal-Mart employees come 16 to your aid after the fall?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Okay.</p> <p>19 A. Are you saying, like, right then?</p> <p>20 Q. No. I'm talking about anytime 21 after the fall. Did any of them come to the 22 water aisle to speak with you?</p> <p>23 A. Yes, ma'am. Like -- like,</p>	<p style="text-align: right;">Page 112</p> <p>1 A. It was -- it was a little while. Because Ms. Kellie was there with me.</p> <p>3 Q. She came first. And then was it 4 a Wal-Mart employee that came next?</p> <p>5 A. I believe, yes, ma'am.</p> <p>6 Q. Any idea who it was?</p> <p>7 A. Uh-uh (negative).</p> <p>8 Q. Is that a no?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Thank you. Can you describe the 11 individual that came to you first, the first 12 Wal-Mart employee that came to you?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Male or female?</p> <p>15 A. I can't remember.</p> <p>16 Q. Okay. That's fine. All right. Was that person rude to you at all?</p> <p>19 A. No, ma'am. I just don't think 20 they moved as fast as they should in this 21 particular incident.</p> <p>22 Q. You believe it was the Wal-Mart 23 employee that asked you if you needed an</p>

Alexandria Bennett

6/14/2023

Page 113	Page 115
<p>1 ambulance?</p> <p>2 A. I believe so.</p> <p>3 Q. Okay. You think the ambulance</p> <p>4 was called after the Wal-Mart employee</p> <p>5 arrived?</p> <p>6 A. Yes.</p> <p>7 Q. Did you stay on the floor while</p> <p>8 you waited on the ambulance?</p> <p>9 A. Yes, ma'am?</p> <p>10 Q. And did the EMTs come to you on</p> <p>11 the water aisle?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. And you were taken from the store</p> <p>14 by ambulance; is that right?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Okay. While you were still at</p> <p>17 the store and on the floor, did anyone else</p> <p>18 come to you or speak with you besides</p> <p>19 Ms. Kellie and the first Wal-Mart employee?</p> <p>20 A. I'm not sure. It may have been</p> <p>21 another person. I'm not sure.</p> <p>22 Q. Did you speak with any Wal-Mart</p> <p>23 employee about completing an incident</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. Do you remember signing an</p> <p>3 iPad or anything that day? It may have been</p> <p>4 some kind of electronic pad versus a paper</p> <p>5 copy.</p> <p>6 A. I'm not -- I don't remember.</p> <p>7 Q. That's okay.</p> <p>8 Does the description of the</p> <p>9 incident sound accurate to you as it's</p> <p>10 listed on there?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. All right. And it lists -- I</p> <p>13 think there is a little section -- there is</p> <p>14 a section of witnesses, and it looks like it</p> <p>15 listed a Kellie. You think that's the</p> <p>16 Ms. Kellie you were talking about? Does</p> <p>17 Kellie Daughtry sound familiar to you?</p> <p>18 A. Is that on this paper?</p> <p>19 Q. Yes.</p> <p>20 A. Whereabouts?</p> <p>21 Q. It's tiny. Let me point it to</p> <p>22 you.</p> <p>23 A. Okay.</p>
Page 114	Page 116
<p>1 report?</p> <p>2 A. No, ma'am.</p> <p>3 Q. What did you tell them about what</p> <p>4 had happened that day, or did they ask?</p> <p>5 A. If they did ask, I told them what</p> <p>6 happened. But I don't think I wrote a -- I</p> <p>7 didn't write anything down or anything. I</p> <p>8 don't remember doing that.</p> <p>9 Q. Did they have an iPad with them?</p> <p>10 Sometimes they complete them on</p> <p>11 an iPad, and you will sign it on that.</p> <p>12 A. I'm not sure.</p> <p>13 Q. I have this incident report that</p> <p>14 I will mark as Defendant's Exhibit 5. Have</p> <p>15 you ever seen this before?</p> <p>16 A. Yes, ma'am.</p> <p>17 (Whereupon, Defendant's Exhibit</p> <p>18 No. 5 was marked and is attached</p> <p>19 to the original transcript.)</p> <p>20 Q. (By Ms. Gordon) Is that your</p> <p>21 signature on the bottom of it?</p> <p>22 A. Uh-huh (affirmative).</p> <p>23 Q. Is that a yes?</p>	<p>1 Q. It's this tiny little -- okay.</p> <p>2 We've got Kevin Allen listed --</p> <p>3 A. Okay.</p> <p>4 Q. -- and then Kellie Daughtry?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Have you spoken with Ms. Kellie</p> <p>7 since the fall?</p> <p>8 A. No, ma'am.</p> <p>9 Q. And did she stay with you until</p> <p>10 the EMTs got there?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Do you remember anything y'all</p> <p>13 talked about while you were waiting on the</p> <p>14 EMTs?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Has anyone besides Ms. Kellie and</p> <p>17 Kevin told you that they witnessed your</p> <p>18 fall?</p> <p>19 A. No, ma'am.</p> <p>20 Q. When you fell, did you feel any</p> <p>21 pain immediately upon your fall?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Tell me what hurt when you fell.</p>

29 (Pages 113 to 116)

Alexandria Bennett

6/14/2023

Page 117	Page 119
<p>1 A. I'm sorry.</p> <p>2 Q. You are fine.</p> <p>3 A. My hip hurt, and my ankle was</p> <p>4 hurting.</p> <p>5 Q. Which hip?</p> <p>6 A. I'm not sure.</p> <p>7 Q. Do you remember which ankle hurt?</p> <p>8 A. My right ankle.</p> <p>9 Q. And that was an immediate pain</p> <p>10 that you felt when you fell?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Do you know how your ankle was</p> <p>13 injured in the fall, like, if it hit</p> <p>14 something or if it twisted, if you know?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Do you know how your hip was</p> <p>17 injured in the fall?</p> <p>18 A. I had done fell.</p> <p>19 Q. I'm sorry?</p> <p>20 A. I fell. So, you know, I'm kind</p> <p>21 of big. I'm kind of a big girl. So I was,</p> <p>22 like -- I was, like, I probably -- I don't</p> <p>23 know. Probably the weight of me.</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. Was the lighting on the</p> <p>3 water aisle -- did it seem bright enough to</p> <p>4 you?</p> <p>5 A. I guess.</p> <p>6 Q. Like, you didn't have any trouble</p> <p>7 seeing what you were looking for on the</p> <p>8 water aisle, did you?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Okay. And were you able to reach</p> <p>11 the water on the top shelf just reaching</p> <p>12 your arm up and standing flatfooted?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Did you have to stand on anything</p> <p>15 to reach the water?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Did you ever stand on anything</p> <p>18 before you fell?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Like, stand on a pallet or find a</p> <p>21 stool or anything like that?</p> <p>22 A. No, ma'am.</p> <p>23 Q. You were standing flatfooted on</p>
Page 118	Page 120
<p>1 Q. Any other pain immediately when</p> <p>2 you fell? Did you experience any other pain</p> <p>3 right when you fell?</p> <p>4 A. I think my back was hurting as</p> <p>5 well.</p> <p>6 Q. What part of your back?</p> <p>7 A. I'm not sure.</p> <p>8 Q. Did you speak with anyone else</p> <p>9 besides the Wal-Mart employee, Ms. Kellie,</p> <p>10 and Kevin before the EMTs arrived?</p> <p>11 A. I don't believe so.</p> <p>12 Q. And once the EMTs arrived, what</p> <p>13 were your complaints at that time?</p> <p>14 A. The same.</p> <p>15 Q. The same. Did you ask to be</p> <p>16 taken to the hospital?</p> <p>17 A. They were taking me.</p> <p>18 Q. And which hospital did they take</p> <p>19 you to?</p> <p>20 A. I think they took me to Shelby.</p> <p>21 Q. When you walked down the water</p> <p>22 aisle right before your fall, was that your</p> <p>23 first time on the water aisle that day?</p>	<p>1 the ground when you fell?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Were you having to get up on your</p> <p>4 tippy-toes to reach for it?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Okay. Did you have to be at the</p> <p>7 grandmother's house by a certain time that</p> <p>8 day to pick up your daughter?</p> <p>9 A. I'm not sure.</p> <p>10 Q. Were you in a rush or taking your</p> <p>11 time at Wal-Mart?</p> <p>12 A. No, I wasn't in a rush.</p> <p>13 Q. And we talked briefly about the</p> <p>14 shoes that you were wearing, and I think you</p> <p>15 couldn't remember what style or brand they</p> <p>16 were or anything; is that right?</p> <p>17 A. I know they weren't, like, no</p> <p>18 slides or anything.</p> <p>19 Q. Do you remember what kind of sole</p> <p>20 they had?</p> <p>21 A. What is that?</p> <p>22 Q. Like the bottom of the shoe, what</p> <p>23 it was like. Did it have a heel?</p>

30 (Pages 117 to 120)

Alexandria Bennett

6/14/2023

Page 121	Page 123
<p>1 A. No, ma'am. Uh-uh (negative).</p> <p>2 Q. Okay. Had you worn the shoes 3 before that day?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Okay. They weren't brand-new 6 shoes that you were wearing for the first 7 time?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Do you still have the shoes that 10 you were wearing that day when you fell?</p> <p>11 A. I don't even recall what kind it 12 was.</p> <p>13 Q. Okay. That's fair. 14 Before you fell, had you 15 overheard anyone talking about water on the 16 floor of the water aisle?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Okay. Did you observe any 19 warning signs or cones on the water aisle 20 before you fell?</p> <p>21 A. There weren't any.</p> <p>22 Q. Okay. And afterwards, did you 23 observe any cones or warning signs on the</p>	<p>1 No. 6 was marked and is attached 2 to the original transcript.)</p> <p>3 Q. (By Ms. Gordon) And if you will, 4 just flip through those. And I will ask you 5 some questions about it after you have had a 6 chance to look at them.</p> <p>7 A. Okay.</p> <p>8 Q. And feel free to leave them 9 spread out. However you want to do it is 10 fine. We will gather them up at the end.</p> <p>11 A. Okay.</p> <p>12 Q. Okay. Have you had a chance to 13 look at those?</p> <p>14 A. Uh-huh (affirmative).</p> <p>15 Q. Is that a yes?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay.</p> <p>18 A. I'm sorry.</p> <p>19 Q. That's okay. 20 Do the photographs I have marked 21 as Defendant's Exhibit 6 show the area in 22 which you fell at the Wal-Mart that day?</p> <p>23 A. Yes, ma'am.</p>
<p>1 water aisle?</p> <p>2 A. There weren't any.</p> <p>3 Q. Okay. Did you point out the 4 water, to the Wal-Mart employee that you had 5 seen on the floor?</p> <p>6 A. I believe so.</p> <p>7 Q. Okay. Did you observe any 8 cleaning efforts taking place after you 9 fell?</p> <p>10 A. You are saying did I see someone 11 come over and start cleaning up?</p> <p>12 Q. Yes.</p> <p>13 A. No, I didn't see that.</p> <p>14 Q. Okay. And I'm going to show you 15 what I will mark as Defendant's Exhibit 6, 16 which is Bates-labeled Wal-Mart 11 through 17 15.</p> <p>18 These are some photographs that 19 we produced in this lawsuit. And I will 20 represent to you that they were provided to 21 us as a part of Wal-Mart's incident report.</p> <p>22 A. Okay.</p> <p>23 (Whereupon, Defendant's Exhibit</p>	<p>1 Q. Okay. Do they show the substance 2 on which you claim you slipped that day?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. Looking at the photographs 5 I have marked as Defendant's Exhibit 6, are 6 you able to identify the substance on which 7 you claim you slipped?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. I'm going to give you a 10 blue Sharpie. And if you will, circle that 11 substance.</p> <p>12 A. Like, circle all of it?</p> <p>13 Q. Oh, no. That's fine. I see what 14 you have done. You have circled it in one 15 picture. And, to me, it looks like those 16 are all photographs of the same area, just 17 different --</p> <p>18 A. Zooms.</p> <p>19 Q. Yes, different zooms. 20 Is that what it looks like to 21 you, too --</p> <p>22 A. Yes.</p> <p>23 Q. -- that it's just different</p>
	31 (Pages 121 to 124)

Alexandria Bennett

6/14/2023

<p style="text-align: right;">Page 125</p> <p>1 zooms?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Okay. Did you see water in any</p> <p>4 other area of the floor of the water aisle</p> <p>5 besides the area you have circled on</p> <p>6 Wal-Mart 14?</p> <p>7 A. You said do I see any other</p> <p>8 water?</p> <p>9 Q. When you were on the floor, did</p> <p>10 you see water on the floor in any other</p> <p>11 areas besides the area you have circled in</p> <p>12 Wal-Mart 14?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Okay. Do the photographs I have</p> <p>15 marked as Defendant's Exhibit 6 accurately</p> <p>16 show the way the floor looked to you on</p> <p>17 October 15, 2020?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. Have you ever seen any</p> <p>20 other photographs of the area where you fell</p> <p>21 taken on October 15, 2020, besides the ones</p> <p>22 that we have looked at today that I have</p> <p>23 marked as Defendant's Exhibit 6 and</p>	<p style="text-align: right;">Page 127</p> <p>1 Exhibit 4 or Defendant's Exhibit 6?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Okay. And I'm just remembering</p> <p>4 that I have two other photographs. I will</p> <p>5 mark these as Defendant's Exhibit 7.</p> <p>6 Have you ever seen these two</p> <p>7 photographs before?</p> <p>8 A. Yes, ma'am.</p> <p>9 (Whereupon, Defendant's Exhibit</p> <p>10 No. 7 was marked and is attached</p> <p>11 to the original transcript.)</p> <p>12 Q. (By Ms. Gordon) All right. Any</p> <p>13 idea who took those?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Do they show the substance on</p> <p>16 which you claim you slipped that day?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Will you circle that for me,</p> <p>19 please?</p> <p>20 A. Okay.</p> <p>21 Q. And does the photograph with the</p> <p>22 Exhibit 7 sticker on it, does this show the</p> <p>23 position you landed --</p>
<p style="text-align: right;">Page 126</p> <p>1 Defendant's Exhibit 4?</p> <p>2 A. This is Defendant's 4?</p> <p>3 Q. Yes.</p> <p>4 A. This is -- this is 6?</p> <p>5 Q. Right. So they are photographs</p> <p>6 that I have marked as Defendant's Exhibit 6,</p> <p>7 and then I marked one earlier as Exhibit 4.</p> <p>8 Have you seen any other</p> <p>9 photographs that were taken that day? Just,</p> <p>10 like, before we got here today, have you</p> <p>11 ever seen any other photographs?</p> <p>12 A. This?</p> <p>13 Q. I'm just talking about are you</p> <p>14 aware of any other photographs of the area</p> <p>15 where you fell besides those that are laid</p> <p>16 out in front of you.</p> <p>17 A. No, ma'am --</p> <p>18 Q. Okay.</p> <p>19 A. -- than what Kevin took or</p> <p>20 something. Is that what you are saying?</p> <p>21 Q. Right. Did the photographs that</p> <p>22 Kevin took look any different than the</p> <p>23 photographs we've marked as Defendant's</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. -- or had you moved?</p> <p>3 A. Yes, ma'am, that shows the</p> <p>4 position.</p> <p>5 Q. Okay. So that's how you landed</p> <p>6 as shown in Exhibit 7?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. And that's the red hair that you</p> <p>9 mentioned earlier?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. I like that color.</p> <p>12 A. Thank you.</p> <p>13 Q. It looks like you were wearing</p> <p>14 black, too, that day. Does that refresh</p> <p>15 your memory about what you were wearing?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. October 15, 2020, either</p> <p>18 before or after your fall, did you observe</p> <p>19 water or a liquid substance on the floor in</p> <p>20 any other areas besides those shown in the</p> <p>21 photographs we have marked as Defendant's</p> <p>22 Exhibits 4, 6, and 7?</p> <p>23 So that would be, looking at all</p>

32 (Pages 125 to 128)

Alexandria Bennett

6/14/2023

Page 129	Page 131
<p>1 of these photographs, do they show the only 2 area of water that you observed that day? 3 A. Yes, ma'am. 4 Q. Okay. There wasn't some other 5 area that wasn't photographed? 6 A. No, ma'am. 7 Q. Okay. And are you claiming that 8 the liquid that you slipped on was in front 9 of the pallet? 10 It looks like the area you have 11 circled in Defendant's Exhibit 7 is in front 12 of the pallet. Am I right? 13 A. Yes, ma'am. 14 Q. Okay. So are you claiming that 15 the water that you slipped on was in front 16 of the pallet? 17 I just want to make sure you are 18 not claiming that there was some water 19 hidden under the pallet, behind the pallet, 20 or under anything else. 21 A. I don't know if it was hidden 22 under there or not. 23 Q. Okay. The water that you have</p>	<p>1 A. Yes, ma'am. 2 Q. Do you remember which exit you 3 went out on the stretcher? I'm showing you 4 Defendant's Exhibits 2 and 3 again to see if 5 that helps you remember. 6 A. I don't remember. 7 Q. That's okay. 8 All right. So did anyone ride in 9 the ambulance with you to the hospital? 10 A. No, ma'am. 11 Q. And once you got to Shelby, what 12 were your complaints then when you got to 13 the ER? 14 A. The same. 15 Q. Did anyone meet you at Shelby? 16 A. Kevin. 17 Q. Had your pain changed at all in 18 between the time you fell and when you got 19 to Shelby? 20 A. No, ma'am. 21 Q. All right. What type of 22 treatment were you given at Shelby, if you 23 remember?</p>
<p style="text-align: center;">Page 130</p> <p>1 talked about today was out in front of the 2 pallet on the floor? 3 A. Uh-huh (affirmative). 4 Q. Is that right? 5 A. Yes, ma'am. 6 Q. Okay. I just wanted to make sure 7 I was clear about that. 8 Was there any odor to the liquid 9 that you saw on the floor that you remember? 10 A. I'm not sure. 11 Q. Okay. Were any portions of your 12 clothes wet after you fell? 13 A. I'm not sure. 14 Q. Did a police officer also come to 15 the store after the incident, or was it just 16 EMTs? 17 A. I don't remember seeing a police officer. 18 Q. Did they bring the stretcher to you on the water aisle? 19 A. Yes, ma'am. 20 Q. And you were taken out on the stretcher?</p>	<p style="text-align: center;">Page 132</p> <p>1 A. I believe I left out in crutches. 2 Q. Did they do some X-rays? 3 A. I believe so. 4 Q. Were you given any diagnoses at Shelby that day? 5 A. I believe they did. 6 Q. Do you remember what that was? 7 A. No. 8 Q. Okay. And you think you left on crutches? 9 A. Yes, ma'am. 10 Q. Did you leave with any bandages or braces? 11 A. I can't recall. 12 Q. Were the crutches to help with your ankle pain? 13 A. Yes, ma'am. 14 Q. To keep you off your ankle? 15 A. Yes, ma'am. 16 Q. And how did you leave the hospital that night? Did somebody pick you up? 17 A. Kevin was there.</p>

33 (Pages 129 to 132)

Alexandria Bennett

6/14/2023

Page 133	Page 135
<p>1 Q. When you left Shelby, where did 2 you go? 3 A. I think I went home. 4 Q. And that would be back to 5 The Pearl at that time? 6 A. Well, I probably went to go get 7 Allyson or something, but I went home. 8 Q. Did anyone in the emergency room 9 recommend that you seek any additional 10 treatment for the injuries you were there 11 about that day? 12 A. Yes, ma'am. 13 Q. And what did they tell you to do? 14 A. I needed to follow up with an 15 orthopedic. I think there was something 16 wrong. 17 Q. Did they give you any 18 prescriptions for medication at the ER? 19 A. I think so, yes, ma'am. 20 Q. Was it like a pain medication, or 21 do you remember? 22 A. I don't remember. 23 Q. Did you get the prescriptions</p>	<p>1 somebody to see you? 2 A. Yes, ma'am. 3 Q. And who was that that you saw 4 next after the ER? 5 A. I went to -- you mean who was I 6 seen by? 7 Q. Right. 8 A. I was seen by Southlake, I think. 9 Q. Had you gotten the Blue Cross by 10 the time you went to Southlake? 11 A. Yes, ma'am. 12 Q. And any idea how long it was 13 after the fall that you went to Southlake 14 the first time? 15 A. No, ma'am. 16 Q. What were your complaints when 17 you went to Southlake the first time? 18 A. Ankle pain. And I think I was -- 19 it was just going downhill from there, 20 basically. 21 Q. Were you still experiencing pain 22 anywhere else besides your ankle when you 23 went to Southlake?</p>
<p>1 filled? 2 A. Yes, ma'am. 3 Q. How long were you on prescription 4 medication following the fall? 5 A. I don't remember. I'm sorry. 6 Q. That's okay. Where did you get 7 the prescriptions filled? 8 A. I'm not sure. 9 Q. All right. When did you next 10 seek treatment for any of the injuries you 11 relate to your fall? 12 A. Well, I was trying to get 13 treatment, but I was turned down by a couple 14 of people because I didn't have insurance. 15 Q. Who turned you down? 16 A. Orthopedics. 17 Q. Do you remember which orthopedic 18 doctor or where their office was located? 19 A. I don't remember. I don't 20 remember which ones it was, but I know it 21 was a few, because they wouldn't see me 22 because I didn't have insurance. 23 Q. Okay. So did you eventually get</p>	<p>1 A. My hip pain wore off, but it was 2 just mainly my ankle. 3 Q. About how long did the hip pain 4 last after the fall? 5 A. I'm not sure. 6 Q. Is the only treatment that you 7 received for the hip pain that treatment in 8 the ER the day of the fall? 9 A. Yes, ma'am, I think so. 10 Q. Okay. What about your back; how 11 long did that pain last? 12 A. I'm not sure. 13 Q. Go ahead. 14 A. I was trying to -- I just 15 couldn't see anyone. No one would see me, 16 because I didn't have insurance. 17 Q. Did you receive any other 18 treatment for your back besides that initial 19 ER visit at Shelby? 20 A. No, ma'am. 21 Q. So by the time you went to 22 Southlake, your complaint was the ankle 23 pain; is that right?</p>
	34 (Pages 133 to 136)

Alexandria Bennett

6/14/2023

<p>Page 137</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. And what did -- what kind</p> <p>3 of treatment were you given by Southlake, or</p> <p>4 diagnosis?</p> <p>5 A. I think he said it was broken or</p> <p>6 something.</p> <p>7 Q. Okay. Did they recommend any</p> <p>8 additional treatment?</p> <p>9 A. He recommended surgery.</p> <p>10 Q. Did you schedule the surgery?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And did you have the surgery</p> <p>13 performed?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. When did you have the surgery</p> <p>16 performed?</p> <p>17 I might be able to help you out.</p> <p>18 Let's see.</p> <p>19 Was it July 30, 2021? Does that</p> <p>20 sound right?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. Was that an outpatient</p> <p>23 procedure, meaning you got to go home the</p>	<p>Page 139</p> <p>1 Q. Did you receive any other</p> <p>2 treatment following your surgery for your</p> <p>3 ankle?</p> <p>4 A. No, ma'am. I was supposed to do,</p> <p>5 I think, physical therapy or something. I'm</p> <p>6 not sure.</p> <p>7 Q. Okay. Did you attend physical</p> <p>8 therapy?</p> <p>9 A. No, ma'am.</p> <p>10 Q. And why didn't you attend</p> <p>11 physical therapy?</p> <p>12 A. I think I wasn't able to keep up</p> <p>13 with the insurance by that time.</p> <p>14 Q. Okay. Have you attended physical</p> <p>15 therapy since the fall at Wal-Mart?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Have you been back to Southlake</p> <p>18 since your surgery was performed?</p> <p>19 A. I tried to schedule it, I think.</p> <p>20 Yeah, I think so.</p> <p>21 Q. You did try to schedule another</p> <p>22 appointment?</p> <p>23 A. Uh-huh (affirmative).</p>
<p>Page 138</p> <p>1 same day it was performed?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. You weren't hospitalized</p> <p>4 overnight?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Between your first visit to</p> <p>7 Southlake and the day you had the surgery</p> <p>8 performed on your ankle, was there any other</p> <p>9 treatment for any injuries you relate to the</p> <p>10 fall?</p> <p>11 A. No, ma'am.</p> <p>12 Q. I assume there was an incision</p> <p>13 from your surgery. Was there?</p> <p>14 A. Ma'am?</p> <p>15 Q. Like, did they have to cut you</p> <p>16 open to do your surgery?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And did the incision heal</p> <p>19 following the surgery?</p> <p>20 A. Did it heal?</p> <p>21 Q. Yes. Did you have any problems</p> <p>22 with infection or with the incision healing?</p> <p>23 A. No, ma'am.</p>	<p>Page 140</p> <p>1 Q. After your surgery?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Okay. Do you have an appointment</p> <p>4 scheduled?</p> <p>5 A. Not right now.</p> <p>6 Q. What happened with trying to</p> <p>7 schedule one?</p> <p>8 A. I think it was an issue with</p> <p>9 insurance.</p> <p>10 Q. I see. Why do you want to</p> <p>11 schedule another appointment with Southlake?</p> <p>12 A. Because I may have some issues --</p> <p>13 well, he told me I -- I just believe it will</p> <p>14 never be the same, my ankle. So I was going</p> <p>15 to schedule an appointment to see what was</p> <p>16 going on, because I be having some pains and</p> <p>17 stuff now. But with me working through</p> <p>18 temps, I don't have insurance through the</p> <p>19 job or anything. So I've got to figure my</p> <p>20 way out with that one.</p> <p>21 Q. Have you seen any other</p> <p>22 orthopedic doctors for injuries you relate</p> <p>23 to the fall at Wal-Mart besides Southlake?</p>

Alexandria Bennett

6/14/2023

Page 141	Page 143
<p>1 A. I tried, but they didn't see me. 2 Q. Okay. And that was before -- 3 A. They wouldn't see me. 4 Q. Was that before you went to 5 Southlake? 6 A. Yes, ma'am. 7 Q. Did the Southlake doctors 8 recommend any further treatment for your 9 ankle after your surgery? 10 A. I think it was supposed to be 11 physical therapy. 12 Q. You mentioned that. Okay. 13 Have you seen any other doctors 14 since your surgery for injuries that you 15 relate to your fall? 16 A. No, ma'am. 17 Q. Do you have any appointments 18 scheduled with any doctors for treatment of 19 injuries you relate to the fall? 20 A. No, ma'am. 21 Q. Do you have plans to seek any 22 additional treatment for injuries you relate 23 to the fall?</p>	<p>1 A. Yes, ma'am. 2 Q. Had the pain lessened or worsened 3 between the fall and when you had your 4 surgery? 5 A. It worsened. 6 Q. Can you describe it for me, what 7 type of pain you were experiencing right 8 before the surgery? 9 A. Like, every time I took a step on 10 that -- on that -- on this -- with my right 11 leg, it would hurt every time I took a step. 12 Q. And after the surgery, did your 13 ankle pain change at all? 14 A. Yes, ma'am. It eased. 15 Q. Okay. Are you still experiencing 16 ankle pain today? 17 A. Yes, ma'am. 18 Q. How often do you experience ankle 19 pain? 20 A. When I first wake up in the 21 morning. 22 Q. How long does it last after you 23 wake up?</p>
<p style="text-align: center;">Page 142</p> <p>1 A. Yes, ma'am. 2 Q. Okay. And that's additional 3 treatment for your ankle? Is that what you 4 were saying earlier? 5 A. Yes, ma'am. 6 Q. And you are just waiting until 7 you can get some insurance, and then you are 8 going to do that? 9 A. Yes, ma'am. 10 Q. Did the Southlake doctors or the 11 doctor who performed your ankle surgery give 12 you any sort of prognosis, like what you 13 could expect with your ankle in the future? 14 A. I think it will never be the 15 same. 16 Q. Did they tell you why they 17 thought that? 18 A. I'm not sure. He used a lot of 19 medical terminology. 20 Q. I understand. 21 Were you having pain in your 22 ankle up until the time the surgery was 23 performed?</p>	<p style="text-align: center;">Page 144</p> <p>1 A. Once I get to going and getting 2 ready and stuff. 3 Q. And does that happen every 4 morning when you wake up? 5 A. Yes, ma'am. 6 Q. Has that been the case ever since 7 the surgery? 8 A. Well, it eased since -- it had 9 eased once -- when I had the surgery. But, 10 like, now I noticed, you know, when I get up 11 in the morning, I will feel that pain. 12 Q. So following the surgery, was 13 there a period of time where you didn't have 14 any ankle pain? 15 A. Yes, ma'am. It eased a whole 16 lot. 17 Q. And about when did it return, how 18 long ago? 19 A. I will say just a few months or 20 so. 21 Q. Has anything changed in your 22 lifestyle? Like, have you been more active 23 in the past few months or suffered any</p>

36 (Pages 141 to 144)

Alexandria Bennett

6/14/2023

Page 145	Page 147
<p>1 injuries in the past few months that would 2 have caused the pain to return?</p> <p>3 A. Uh-uh (negative). I haven't been 4 more active.</p> <p>5 Q. Okay. Did it just seem to kind 6 of come out of nowhere?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. And besides trying to schedule an 9 appointment with Southlake, have you sought 10 any other treatment since that pain 11 returned?</p> <p>12 A. No, ma'am.</p> <p>13 Q. Was there a point where you were 14 given a boot to wear on your ankle? Do you 15 remember that?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Who gave you that?</p> <p>18 A. I'm not sure.</p> <p>19 Q. Okay. Was that before your 20 surgery or after?</p> <p>21 A. I know I had a boot after 22 surgery.</p> <p>23 Q. Were you given any instructions</p>	<p>1 A. No, ma'am.</p> <p>2 Q. Had you ever been to physical 3 therapy before the fall at Wal-Mart for any 4 reason?</p> <p>5 A. No, ma'am.</p> <p>6 Q. The bills from the treatment that 7 you relate to the fall, have those been 8 paid? Like, your bill from Grandview the 9 day you went to the ER, has that bill been 10 paid, or is it still out there?</p> <p>11 A. No, ma'am.</p> <p>12 Q. It has not been paid?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Okay. What about the ambulance 15 bill; has it been paid?</p> <p>16 A. No, ma'am.</p> <p>17 Q. And your bills from -- your 18 treatment at Southlake, have those been 19 paid?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Did your insurance make any 22 payments towards the bills at Southlake or 23 your surgery?</p>
<p>1 on when or how often you should wear it?</p> <p>2 A. I was wearing it -- I was wearing 3 it -- like, I was wearing it during the day. 4 He told me, "You know you are supposed to 5 stay in your boot." So I was wearing it, 6 like, when I would have to wake up and get 7 my daughter ready for school and stuff like 8 that.</p> <p>9 Q. Okay. And were there times 10 during the day where you would take it off?</p> <p>11 A. When I would go to bed.</p> <p>12 Q. And was there a point where they 13 told you you could quit wearing it?</p> <p>14 A. I think so. I think he gave me a 15 period of time.</p> <p>16 Q. Do you remember when that was --</p> <p>17 A. No, ma'am.</p> <p>18 Q. -- how long you were supposed to 19 wear it?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Okay. Were you given any other 22 sort of braces for injuries you relate to 23 your fall at Wal-Mart?</p>	<p>1 A. I'm not sure.</p> <p>2 Q. Did you have -- did you have 3 health insurance in place when you had your 4 surgery?</p> <p>5 A. I think I did, yes, ma'am.</p> <p>6 Q. Okay. Are there any injuries 7 that you relate to the fall which you 8 believe will be permanent?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. What's that?</p> <p>11 A. I think my ankle will always give 12 me problems.</p> <p>13 Q. Are there certain movements that 14 cause the pain to return in your ankle or to 15 flare up?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Or certain activities that cause 18 it to hurt?</p> <p>19 A. I think it's just everyday life, 20 you know, with movement.</p> <p>21 Q. Do you take any medication for 22 ankle pain these days?</p> <p>23 A. No, ma'am.</p>

37 (Pages 145 to 148)

Alexandria Bennett

6/14/2023

Page 149	Page 151
<p>1 Q. Are there any activities that you 2 could do before the fall at Wal-Mart that 3 you are no longer able to do? 4 A. I never -- I can't -- you know 5 how you can close your toes all of the way, 6 I be noticing I can't do that. 7 Q. Like, curl them under? 8 A. Like -- yeah, like -- like that 9 (indicating). 10 Q. Almost like you are making a fist 11 with your toes? 12 A. Yes, ma'am. 13 Q. Okay. You can't do that anymore? 14 A. No, ma'am. 15 Q. Anything else that you were able 16 to do before the fall that you are not able 17 to do now? 18 A. I was able to, you know, still 19 work in the cooking industry. And I love to 20 cook. 21 Q. Anything else like that? 22 A. (Witness shakes head negatively.) 23 Q. Okay. Have you ever applied for</p>	<p>1 A. No, ma'am. 2 Q. We might have talked about that. 3 Are you claiming that the fall at 4 Wal-Mart has affected you mentally or 5 emotionally? 6 A. Yes, ma'am. 7 Q. Will you tell me about that, 8 please? 9 A. I like to cook. And I used to 10 always cook with my grandmother. And my 11 grandmother just died last month. So I 12 would be in the kitchen cooking with her and 13 stuff. So it was -- it was painful to stop 14 doing what I like to do. 15 It was depressing to, you know, 16 be a young woman, and -- I was labeled "the 17 star" of the kitchen. 18 I think what was most painful was 19 how me and my daughter were affected because 20 we had to move from Homewood and move to the 21 ghetto, basically. And we weren't used to 22 that. And I wasn't used to have, you know, 23 her asking me questions, saying, "Mom, when</p>
<p style="text-align: center;">Page 150</p> <p>1 social security disability benefits? 2 A. No, ma'am. 3 Q. Do you have any plans to apply 4 for them? 5 A. No, ma'am, because I can't do 6 that right now. 7 Q. Have you ever talked to any of 8 your doctors about giving you a disability 9 rating? 10 A. No, ma'am. 11 Q. Are you currently experiencing 12 any other pain other than the ankle pain you 13 have told me about that you relate to your 14 fall? 15 A. No, ma'am. 16 Q. Had you consumed any drugs or 17 alcohol in the 24 hours before your fall? 18 A. No, ma'am. 19 Q. Following that car accident, was 20 there a period of time where you had to use 21 crutches after that? 22 A. No, ma'am. 23 Q. Or any kind of brace?</p>	<p style="text-align: center;">Page 152</p> <p>1 are we going to move," and stuff like that. 2 But at that time, I had to try 3 to, you know, get my bills paid and try to 4 take care of her. And I couldn't stop 5 working, so I had to keep on trying to find 6 a job. 7 And I was going through the temp 8 services, you know, not a stable job. I 9 lost my job that I loved. And I think the 10 most tragic was I lost it around the 11 holidays. So she knows me. It's, like, 12 it's going to be -- you know, it was going 13 to be surprising. 14 But I think that year I don't 15 think I was even able to get her anything. 16 I think my mom -- my mom and my stepdad 17 helped out. So that was big. I think the 18 mental abuse was big a lot. 19 Q. And why was it that y'all had to 20 move? 21 A. Because I wasn't able to pay my 22 rent over at The Pearl at Homewood, because 23 I was laid off.</p>

Alexandria Bennett

6/14/2023

<p style="text-align: right;">Page 153</p> <p>1 Q. And do you remember what you were 2 paying at [REDACTED]?</p> <p>3 A. Probably about -- I would say 4 about \$800 or so or \$1,000, one of the two.</p> <p>5 Q. And you moved from T [REDACTED] [REDACTED] -- no, to --</p> <p>6 A. No, ma'am. To Ensley.</p> <p>7 Q. To 31st Street?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. That was also an 10 apartment?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And what were you paying there?</p> <p>13 A. I think 600.</p> <p>14 Q. And you lived there for about 15 three years?</p> <p>16 A. About, yes, ma'am.</p> <p>17 Q. Are you more comfortable at the 18 [REDACTED] address?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Okay. What do you pay there for 21 rent?</p> <p>22 A. I pay 1,200 a month.</p>	<p style="text-align: right;">Page 155</p> <p>1 had to switch fields, basically.</p> <p>2 Q. Have you discussed any of the 3 ways the fall has affected you mentally or 4 emotionally with any counselors, 5 psychiatrists, psychologists? Anyone like 6 that? Any medical providers?</p> <p>7 A. Did I go to a psychiatrist?</p> <p>8 Q. Yes.</p> <p>9 A. Yes, ma'am, at one point.</p> <p>10 Q. Okay. Who did you see?</p> <p>11 A. I'm not sure. But I think I will 12 be able to see who it was. I can't think of 13 her name off of my head, but I --</p> <p>14 Q. Do you remember where her office 15 was?</p> <p>16 A. I want to say downtown or so.</p> <p>17 Q. And what was your reason for 18 going to see her the first time?</p> <p>19 A. To talk. And I was just going 20 through a lot mentally.</p> <p>21 Q. Was it solely because of the fall 22 that you went to see her?</p> <p>23 A. Yes, ma'am.</p>
<p style="text-align: right;">Page 154</p> <p>1 Q. And you mentioned not being able 2 to cook. What about the fall prevents you 3 from cooking now like you like to do?</p> <p>4 A. Well, I liked -- that's all I 5 knew how to do was cook, you know, with 6 working at Outback and Pappadeaux. That's 7 all I knew how to do. So once I figured, 8 like, "Hey, Alex, you've got to try to find 9 a job with less mobility" -- like, the 10 hospitals and stuff, they turned me down. I 11 had to go through temp service because they 12 wouldn't hire me because that's all I had on 13 my application was, you know, Outback and 14 stuff, cooking and stuff. So I didn't have 15 no experience in it.</p> <p>16 Q. And is it being on the feet that 17 is a problem for you now cooking in a 18 restaurant like you used to do?</p> <p>19 A. Or standing, yes, ma'am.</p> <p>20 Q. Okay. Have you tried to work in 21 a cooking position since your job at 22 Outback?</p> <p>23 A. Uh-uh (negative). I had to -- I</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. Were there any other things going 2 on in your life that were affecting you 3 emotionally at that time you went to see the 4 psychiatrist?</p> <p>5 A. No, ma'am. It was a bad -- a bad 6 point in my life.</p> <p>7 Q. Do you remember when that was 8 when you went to see him or her the first 9 time?</p> <p>10 A. I'm not sure.</p> <p>11 Q. Was it before or after your 12 surgery?</p> <p>13 A. I'm not sure.</p> <p>14 Q. Did you see that individual on 15 more than one occasion?</p> <p>16 A. Uh-huh (affirmative). I think I 17 seen her, like, twice or so.</p> <p>18 Q. And did you discuss the fall with 19 her when you went to see her?</p> <p>20 A. I'm not sure. I don't know.</p> <p>21 Q. Have you ever been prescribed any 22 sort of antidepressant or antianxiety 23 medication since the fall?</p>

Alexandria Bennett

6/14/2023

Page 157	Page 159
<p>1 A. No, ma'am.</p> <p>2 Q. Had you been diagnosed with</p> <p>3 depression or anxiety before the fall?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Had you ever seen a psychiatrist</p> <p>6 or psychologist before the fall?</p> <p>7 A. No, ma'am.</p> <p>8 Q. Has any of the emotional stress</p> <p>9 that you relate to the fall caused you to</p> <p>10 develop any physical symptoms?</p> <p>11 A. What is that?</p> <p>12 Q. Like, if -- I guess it would be</p> <p>13 things, like, you know, the anxiety is</p> <p>14 making you throw up or, like, not sleeping,</p> <p>15 any kind of physical symptoms as a result of</p> <p>16 emotional stress.</p> <p>17 A. I don't get that question.</p> <p>18 Q. Okay. That's fine.</p> <p>19 Let's do it this way: Have you</p> <p>20 told me about all of the ways the fall at</p> <p>21 Wal-Mart has affected you mentally or</p> <p>22 emotionally?</p> <p>23 A. I think I told you just about.</p>	<p>1 A. I'm not sure.</p> <p>2 Q. If you had a doctor's</p> <p>3 appointment, did you take the entire day off</p> <p>4 from working at Milo's?</p> <p>5 A. Well, if I was -- if I was going</p> <p>6 to a doctor's appointment -- I worked there</p> <p>7 overnight. So if it didn't interfere, then</p> <p>8 it was okay, I guess. I'm not sure.</p> <p>9 Q. What were your hours at Milo's?</p> <p>10 I don't think I asked you that.</p> <p>11 A. It was overnight. I had to take</p> <p>12 that, because it was overnight.</p> <p>13 Q. Okay. And were you working day</p> <p>14 or night shifts when you did the warehouse</p> <p>15 work?</p> <p>16 A. Those were jobs in the morning</p> <p>17 time.</p> <p>18 Q. Did you miss any time at the</p> <p>19 warehouse jobs to attend doctor's visits?</p> <p>20 A. If I was required to be there,</p> <p>21 then -- if I did, then I did. But if</p> <p>22 not -- I'm not -- I'm not sure.</p> <p>23 Q. Okay. All right. Are you</p>
<p style="text-align: center;">Page 158</p> <p>1 Q. Okay. And are you claiming that</p> <p>2 you had to take off an entire day of work at</p> <p>3 Outback in order to attend doctors</p> <p>4 appointments at Southlake?</p> <p>5 A. I didn't go to Southlake until</p> <p>6 the next year; right?</p> <p>7 Q. Okay. Where were you working in,</p> <p>8 like, July and August of 2021, about when</p> <p>9 you had your surgery?</p> <p>10 A. I think I was -- I was working</p> <p>11 around -- with Milo's Tea Company, I think,</p> <p>12 around that time.</p> <p>13 Q. Okay. I think, if I have got --</p> <p>14 my notes may be wrong. But if I have my</p> <p>15 notes right, I had you at Milo's -- yes,</p> <p>16 Milo's starting August of 2021. So the</p> <p>17 warehouse jobs were before that?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. So did you miss any time</p> <p>20 from work at Milo's to attend doctors</p> <p>21 visits?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. How much time did you miss?</p>	<p style="text-align: center;">Page 160</p> <p>1 claiming that you incurred travel or mileage</p> <p>2 expenses going to doctors visits?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. All right. I'm going to</p> <p>5 show you what I have marked as Defendant's</p> <p>6 Exhibit 8. And I will represent to you that</p> <p>7 these are the initial disclosures. I think</p> <p>8 there was just a little typo on the top that</p> <p>9 says "Wal-Mart," but it was actually the</p> <p>10 ones that we received from you on -- or your</p> <p>11 lawyer at the beginning of this case.</p> <p>12 And on the last page of this</p> <p>13 document, it lists out the damages that you</p> <p>14 are claiming in this lawsuit. Have you ever</p> <p>15 seen this chart before? It's on the last</p> <p>16 page.</p> <p>17 Have you ever seen those numbers</p> <p>18 before?</p> <p>19 A. I've seen my medical bills and</p> <p>20 stuff. Yes.</p> <p>21 (Whereupon, Defendant's Exhibit</p> <p>22 No. 8 was marked and is attached</p> <p>23 to the original transcript.)</p>

40 (Pages 157 to 160)

Alexandria Bennett

6/14/2023

Page 161	Page 163
<p>1 Q. (By Ms. Gordon) Okay. Any idea 2 how you came up with the mileage amount? 3 A. To and from places, gas. 4 Q. Or how you came up with the lost 5 wages amount? 6 A. The lost wages as in jobs and 7 stuff? 8 Q. Right. Yes. Time missed from 9 work. 10 A. Yes, ma'am. 11 Q. Do you know how that was 12 calculated? 13 A. I would just say about. 14 Q. Okay. 15 A. I think I -- 16 Q. What about the amount for pain 17 and suffering of \$500,000; is that something 18 you came up with? 19 A. Yes, ma'am. 20 Q. Okay. And how did you quantify 21 pain and suffering? 22 A. Because it was a drastic change 23 for me and my daughter.</p>	<p>1 lawsuit? 2 A. She helped me get my insurance 3 and stuff. 4 Q. Okay. 5 A. She was the one who helped with 6 bills at that point until she couldn't, 7 because, you know, she's got her own bills. 8 Q. Sure. 9 A. So she helped me with this 10 process. 11 Q. She was not at Wal-Mart that day 12 when you fell, was she? 13 A. No, ma'am. 14 Q. Okay. Have you applied for any 15 loans or advances for potential proceeds 16 from this lawsuit? 17 A. Yes, ma'am. 18 Q. You have? With which company? 19 A. OASIS. 20 Q. Alexis? 21 A. OASIS. 22 Q. OASIS, I have heard of that. 23 All right. Have you --</p>
<p style="text-align: center;">Page 162</p> <p>1 Q. Okay. I promise I am almost 2 finished. 3 A. Oh, no, you are fine. 4 Q. Thank you for being patient. 5 A. Do you want me to put these 6 together for you? 7 Q. You can leave it. We will do it 8 in a minute. 9 A. Okay. 10 Q. Did you ever see a Dr. Lloyd 11 Johnson at Alabama Bone & Joint? 12 A. Lloyd Johnson? 13 Q. Yes. 14 A. I'm not sure. 15 Q. All right. Have you ever been 16 diagnosed with degenerative joint disease? 17 A. I don't think so. I'm not sure. 18 Q. I've marked a couple of things, 19 but I think we've -- you listed as your -- 20 listed your mother Erica Truitt as having 21 knowledge of the fall. What type of 22 information does she have about the fall or 23 any of the claims you are making in this</p>	<p>1 MS. WASHINGTON: I'm just going 2 to object just for relevance, but you can 3 answer the questions. 4 Q. (By Ms. Gordon) Have you told me 5 everything you remember about the incident 6 at Wal-Mart that's the basis of your 7 lawsuit? 8 A. Yes, ma'am. 9 Q. Okay. And have you told me about 10 all of the injuries that you sustained as a 11 result of the incident at Wal-Mart? 12 A. Yes, ma'am. 13 Q. Have you told me about all of the 14 treatment that you received for the injuries 15 you relate to the fall? 16 A. Yes, ma'am. 17 Q. And have we talked about all of 18 the expenses -- well, let's summarize those. 19 I just want to make sure we've covered it 20 all. 21 The expenses that you relate to 22 the fall would be the medical bills, is that 23 right, from Grandview -- no, from Shelby and</p>

41 (Pages 161 to 164)

Alexandria Bennett

6/14/2023

Page 165	Page 167
<p>1 Southlake and then the place you had your 2 surgery. Are there any others?</p> <p>3 A. No, ma'am.</p> <p>4 Q. Okay. And some of those may have 5 been paid by Blue Cross, some of them may 6 not. Do you know one way or another?</p> <p>7 A. No, ma'am.</p> <p>8 Q. There is also a lost wages claim 9 for time you have missed from work; is that 10 right?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And then you are claiming some 13 mileage expenses for travel to and from the 14 doctors appointments?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. And then we talked about your -- 17 how it's affected you emotionally or 18 mentally.</p> <p>19 Were there any other expenses 20 that you paid for out of your own pocket 21 that you relate to the fall?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Okay. Have we talked about all</p>	<p>1 A. What now? 2 Q. Do you know which one it was? 3 Was it a jug or a bottle that you reached 4 for when you -- when the incident happened 5 when you fell?</p> <p>6 A. It was either one of the two.</p> <p>7 Q. But you don't remember which one; 8 correct?</p> <p>9 A. I don't remember which one, no, 10 ma'am.</p> <p>11 Q. All right. And then when 12 Attorney Gordon questioned you, you talked 13 about seeing water on the floor --</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. -- or some liquid substance on 16 the floor?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Did you do any testing of that 19 water that was on -- or that substance that 20 was on the floor when you fell, do you know 21 exactly what it was?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Okay. And then you said that --</p>
<p>1 of the claims you are making in this 2 lawsuit?</p> <p>3 A. Yes, ma'am.</p> <p>4 MS. GORDON: All right. That's 5 all that I have. Thank you.</p> <p>6</p> <p>7 EXAMINATION BY MS. WASHINGTON:</p> <p>8 Q. I just have a few follow-up 9 questions. I think we are going to be out 10 of here very quickly. I just wanted to 11 address some things that were discussed 12 during your initial questioning.</p> <p>13 As you know, I'm your attorney. 14 So we are here to talk about the incident at 15 Wal-Mart. So I do want to talk about the 16 actual incident itself on October 15, 2020. 17 Is that the accurate date?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. All right. So you noticed when 20 you went to get water -- do you recall what 21 kind of water you were attempting to get? 22 Was it a jug or a bottle? Can you 23 distinguish between either of the two?</p>	<p>1 when was the first time you saw that liquid 2 substance on the floor at Wal-Mart? When 3 was the first time you saw it?</p> <p>4 A. When I was on the floor.</p> <p>5 Q. Okay. And so prior to your fall, 6 you didn't see any water; correct?</p> <p>7 A. No, ma'am.</p> <p>8 Q. And did you see any signage about 9 water?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Did you see any signage at 12 Wal-Mart about any potential dangers?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Okay. And when you fell, how 15 long were you on the floor before you went 16 to the ambulance?</p> <p>17 A. About 30 to 40 minutes.</p> <p>18 Q. And during that time frame, did 19 you see anyone come place any signage or any 20 cones or any structures to warn others about 21 any dangers in that area?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Okay. Did anyone else come</p>
	42 (Pages 165 to 168)

Alexandria Bennett

6/14/2023

Page 169	Page 171
<p>1 through that aisle while you were on the 2 floor? Did you see any shoppers come 3 through that aisle as you were there for 4 30 to 40 minutes?</p> <p>5 A. No, ma'am. I seen a lot of 6 commotion.</p> <p>7 Q. Okay. But you don't recall the 8 exact happenings around that time, during 9 that 30- to 40-minute time frame? You don't 10 recall anything?</p> <p>11 A. No, ma'am.</p> <p>12 Q. And so do you believe that 13 Wal-Mart took any steps to warn others about 14 any dangers in that area after your 15 accident? Do you think they did anything to 16 warn against any dangers?</p> <p>17 MS. GORDON: Object to the form.</p> <p>18 A. No, ma'am.</p> <p>19 Q. (By Ms. Washington) Okay. And I 20 do want to show this video. I know that we 21 are -- it's electronic.</p> <p>22 MS. GORDON: I will come over 23 there.</p>	<p>1 A. Yes, ma'am. 2 Q. -- during the incident? 3 Can you point on the screen which 4 aisle you were on? 5 A. That aisle (indicating). 6 Q. Okay. And so you believe you 7 were in this area where you pointed when the 8 incident occurred? 9 A. Yes, ma'am. 10 Q. Okay. And so from your vantage 11 point, from what you can see here, is it 12 clear? Can you clearly see anything? 13 A. No, ma'am. 14 Q. Okay. So could you identify 15 yourself in this footage that I showed you? 16 A. No, ma'am. 17 Q. Could you identify Kevin, who was 18 with you, in this footage? 19 Let me go to the time. Let me 20 pause. 21 During your testimony with 22 Attorney Gordon, did you state that the 23 incident occurred around 7:15, 7:20? Does</p>
<p style="text-align: center;">Page 170</p> <p>1 MS. WASHINGTON: And I can share 2 this with you.</p> <p>3 MS. GORDON: That's fine.</p> <p>4 MS. WASHINGTON: I'm going to 5 mark this as Plaintiff's Exhibit 1. So I 6 will share this via a link of sorts, if you 7 can't get email. 8 (Whereupon, Plaintiff's Exhibit 9 No. 1 was marked and is attached 10 to the original transcript.)</p> <p>11 Q. (By Ms. Washington) But this is 12 the video.</p> <p>13 MS. WASHINGTON: Can you see it?</p> <p>14 MS. GORDON: Yes.</p> <p>15 MS. WASHINGTON: Okay. Great.</p> <p>16 Q. (By Ms. Washington) And so this 17 is the video. Do you recall me showing you 18 this video during a Zoom meeting that you 19 and I had?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Okay. And do you recall if you 22 confirmed with this view which aisle you 23 were on --</p>	<p style="text-align: center;">Page 172</p> <p>1 that sound about right, about the time frame 2 in which this happened? 3 A. Yes, ma'am. 4 Q. So I'm going to actually 5 fast-forward to that time so we can see it. 6 That's 7:11. 7 MS. WASHINGTON: Sorry, y'all. 8 Q. (By Ms. Washington) And so this 9 area, can you show us -- I'm sorry. Can you 10 show us the area where the incident was 11 happening? Do you think -- does it look 12 like some commotion on this video at this 13 time? 14 A. Back in that area. 15 Q. Okay. So can you identify any of 16 the people in that footage? 17 A. No, ma'am. 18 MS. WASHINGTON: Okay. And so 19 I'm going to pause. And I just wanted to 20 verify what she could identify in that 21 footage. Okay. And I'm done with it for 22 now.</p>

43 (Pages 169 to 172)

Alexandria Bennett

6/14/2023

<p style="text-align: right;">Page 173</p> <p>1 REEXAMINATION BY MS. GORDON:</p> <p>2 Q. My only question is, just to</p> <p>3 clarify the record, when you were talking</p> <p>4 about the video and you were pointing to an</p> <p>5 area of the screen, were you pointing to the</p> <p>6 top right corner of the screen or top</p> <p>7 right --</p> <p>8 MS. WASHINGTON: Yes, thank you</p> <p>9 for that.</p> <p>10 Q. (By Ms. Gordon) Just since we</p> <p>11 can't see where you were pointing --</p> <p>12 MS. WASHINGTON: Correct.</p> <p>13 Q. (By Ms. Gordon) -- is that an</p> <p>14 accurate description of where you were</p> <p>15 pointing?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. And the aisle that is</p> <p>18 shown clearly, which is labeled the liquor</p> <p>19 and the beer aisle on the video that you</p> <p>20 were shown, that is not the aisle you were</p> <p>21 on; is that right?</p> <p>22 Were you on the liquor and beer</p> <p>23 aisle?</p>	<p style="text-align: right;">Page 175</p> <p>1 A. I know she said that the store is</p> <p>2 always dirty when she comes there.</p> <p>3 Q. Okay.</p> <p>4 A. It's not kept up.</p> <p>5 Q. And how long after you fell did a</p> <p>6 Wal-Mart employee come to speak with you?</p> <p>7 A. It was quite a bit of time.</p> <p>8 Q. Do you have an estimate? Do you</p> <p>9 know how many minutes it was between the</p> <p>10 time you fell and when they came?</p> <p>11 A. I'd probably say about</p> <p>12 15 minutes, I believe.</p> <p>13 Q. Okay. And in your previous</p> <p>14 testimony, you said that Kevin went to find</p> <p>15 someone to help after you fell?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. And so you think within that</p> <p>18 15 minutes it took for them to come see you,</p> <p>19 did Kevin -- do you recall him speaking with</p> <p>20 someone before they came, or did they come</p> <p>21 on their own? Did Kevin prompt them to</p> <p>22 come, or did they come on their own?</p> <p>23 A. I think he prompted them to come.</p>
<p style="text-align: right;">Page 174</p> <p>1 A. No. No, ma'am.</p> <p>2 Q. No. You were on the aisle to the</p> <p>3 right of the liquor and beer aisle when you</p> <p>4 fell?</p> <p>5 A. Yes, ma'am.</p> <p>6 MS. GORDON: Okay. That's all</p> <p>7 that I have.</p> <p>8 MS. WASHINGTON: Okay. Thank</p> <p>9 you, Gwen.</p> <p>10 MS. GORDON: Sure.</p> <p>11 MS. WASHINGTON: Thank you for</p> <p>12 that.</p> <p>13</p> <p>14 REEXAMINATION BY MS. WASHINGTON:</p> <p>15 Q. And so from this, from what you</p> <p>16 recall on the day of the incident, you spoke</p> <p>17 with a shopper. Do you know who you spoke</p> <p>18 with while you were on the floor waiting for</p> <p>19 treatment?</p> <p>20 A. Ms. Kellie.</p> <p>21 Q. Okay. And what, if anything, did</p> <p>22 Ms. Kellie tell you or did you-all talk</p> <p>23 about?</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. Okay. And that's all I have now</p> <p>2 for the incident at Wal-Mart. But I did</p> <p>3 want to talk about the impact that the</p> <p>4 injuries had on you and your family.</p> <p>5 So did your injuries affect you</p> <p>6 being able to care for your daughter at any</p> <p>7 point?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. How so?</p> <p>10 A. I wasn't able to take care of her</p> <p>11 and try to pay bills at the same time. We</p> <p>12 were struggling.</p> <p>13 Q. Okay. And were you able to still</p> <p>14 assist her with her day-to-day activities?</p> <p>15 A. It was very hard.</p> <p>16 Q. How old was your daughter at the</p> <p>17 time that the incident occurred?</p> <p>18 A. I would say she was around six or</p> <p>19 seven.</p> <p>20 Q. Okay. So she was still school</p> <p>21 age at that time?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Was she going to school</p>

44 (Pages 173 to 176)

Alexandria Bennett

6/14/2023

Page 177	Page 179
<p>1 physically, or she was homeschooled due to 2 the pandemic?</p> <p>3 A. She was homeschooled.</p> <p>4 Q. Okay. And with her -- who 5 homeschooled her during the pandemic and 6 after the accident?</p> <p>7 A. Me and my mom.</p> <p>8 Q. Okay. And so were you able to 9 assist her with her schoolwork the same 10 after the accident as you were before the 11 accident?</p> <p>12 A. No, ma'am.</p> <p>13 Q. What changed? What were the 14 differences?</p> <p>15 A. I would have to get up with her 16 every morning and try to get her ready to be 17 at school on time. And the morning time was 18 the worst because that's when my ankle hurt 19 the worse, when I first woke up.</p> <p>20 Q. Okay. And so to get to school on 21 time, did that mean that she was being 22 supplemented through, like, a Zoom where she 23 had to be logged in to go to school? Even</p>	<p>1 face and --</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. -- brush her teeth?</p> <p>4 A. Uh-huh (affirmative).</p> <p>5 Q. Okay. And so did you yourself 6 have any anxiety? Were you ever diagnosed 7 with anxiety, sleeplessness or anything like 8 that before the accident?</p> <p>9 A. I had a lot of sleepless and 10 restless nights.</p> <p>11 Q. Before the accident or after?</p> <p>12 A. After.</p> <p>13 Q. Okay. But before the accident, 14 did you have any anxiety or restlessness or 15 sleeplessness?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Okay. I know, also, earlier you 18 talked about your work life before and after 19 the accident. After the accident, why were 20 you let go from Outback Steakhouse?</p> <p>21 A. Because I wasn't able to perform 22 the duties of a back of the house kitchen 23 manager anymore like I was.</p>
<p style="text-align: center;">Page 178</p> <p>1 though she was at home, she had to be 2 physically prepared to be on video?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. And you had to assist her 5 with what in the morning? Tell us your 6 average morning before the accident being 7 able to get your daughter ready for school. 8 How did that go?</p> <p>9 A. I had to get her up, get her 10 ready, hair, breakfast, make sure she does 11 what she is supposed to do, get her to where 12 she needed to be.</p> <p>13 Q. Okay. And after the accident, 14 how did that change? How did that affect 15 your ability to get her prepared to start 16 school?</p> <p>17 A. It was hard.</p> <p>18 Q. How? How was it hard?</p> <p>19 A. Because I couldn't move like I 20 used to move.</p> <p>21 Q. Okay. Did that mean you were 22 having issues with, I guess, getting her 23 settled to stop and do her hair and wash her</p>	<p style="text-align: center;">Page 180</p> <p>1 Q. And is that what your manager 2 told you was the reason he was letting you 3 go?</p> <p>4 A. Mainly, that's what it summed up 5 to be.</p> <p>6 Q. Okay. And after that -- tell 7 us -- I guess, let's start with why you did 8 that. You worked at Outback for how long 9 before the accident? How long did you work 10 there?</p> <p>11 A. About three -- three to four 12 years.</p> <p>13 Q. Okay. And did you like your job 14 at Outback?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. And you stated that you were 17 named the star of the kitchen at Outback 18 when you worked there; correct?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And so did you have a good 21 working relationship with your coworkers?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Okay. And right after the</p>

45 (Pages 177 to 180)

Alexandria Bennett

6/14/2023

<p style="text-align: right;">Page 181</p> <p>1 accident, did you try to go back to work at 2 Outback?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. And I know you said when 5 you left the hospital you were given 6 crutches. Did you ever have to go to work 7 at Outback with crutches?</p> <p>8 A. I had to go -- I had a boot.</p> <p>9 Q. You had a boot?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. So when did you get a boot 12 after the accident?</p> <p>13 A. I'm not sure.</p> <p>14 Q. So when you went to Shelby 15 Baptist after -- when the ambulance took you 16 to Shelby Baptist, did they give you a boot 17 there?</p> <p>18 A. They may have.</p> <p>19 Q. Okay. And so you remember going 20 to Outback with a boot on?</p> <p>21 A. Uh-huh (affirmative).</p> <p>22 Q. And how did that affect your 23 ability to perform your duties at Outback?</p>	<p style="text-align: right;">Page 183</p> <p>1 before Thanksgiving and Christmas? 2 A. Yes, ma'am.</p> <p>3 Q. Okay. And when did you move from 4 your apartment in Homewood to the apartment 5 in Ensley? Did you move before Christmas?</p> <p>6 A. I think so. I'm not sure.</p> <p>7 Q. Do you recall if you spent 8 Christmas at the Ensley apartment or the 9 Homewood apartment?</p> <p>10 A. Ensley apartment, yes.</p> <p>11 Q. Okay. So you did move to Ensley 12 before Christmas?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. And how was that for you and your 15 daughter being at the apartment in Ensley, 16 spending your holidays there?</p> <p>17 A. It was depressing.</p> <p>18 Q. How?</p> <p>19 A. Because Ensley is, like, 20 considered the -- you know, the ghetto over 21 there. I wasn't brought up like that. I 22 went to Hoover High School and Spain Park. 23 So I wasn't used to being in that type of</p>
<p style="text-align: right;">Page 182</p> <p>1 A. I wasn't able to move around, for 2 real, in a rush like I was supposed to. 3 Everything was --</p> <p>4 Q. Okay. What do you mean? What 5 kind of rush did you have to move around in?</p> <p>6 A. Everything was supposed to be, 7 like, fast-paced. And stuff was supposed to 8 be done.</p> <p>9 So, like you said, A.M. prep, I 10 would prep up everything that needed to be 11 done. And sometimes I didn't have it -- I 12 didn't have it done.</p> <p>13 Q. Okay. So you believe that you 14 were slower in getting things done because 15 of your mobility --</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. -- is that accurate?</p> <p>18 Okay. Let's talk about when you 19 were let go. Were you let go before 20 Thanksgiving of 2020 or after Thanksgiving 21 of 2020?</p> <p>22 A. Before.</p> <p>23 Q. Okay. So you were unemployed</p>	<p style="text-align: right;">Page 184</p> <p>1 living situation. 2 And when I say "living 3 situation," it was times where, you know, 4 it's rats running around there. And me and 5 [REDACTED] are on the couch, because both of us 6 are scared. And, you know, it's just how it 7 is on that side of town.</p> <p>8 Q. Okay. And you stated that after 9 your emergency room visit you tried to get 10 healthcare?</p> <p>11 A. Uh-huh (affirmative).</p> <p>12 Q. Why were you seeking treatment 13 after the accident? Why were you looking to 14 get more treatment after the emergency room 15 visit?</p> <p>16 A. Because I knew something was 17 wrong.</p> <p>18 Q. How? How did you know something 19 was wrong?</p> <p>20 A. It was hurting. My ankle was 21 hurting every day. I couldn't perform like 22 I was able to perform.</p> <p>23 Q. Okay. So why didn't you get</p>

46 (Pages 181 to 184)

Alexandria Bennett

6/14/2023

<p style="text-align: right;">Page 185</p> <p>1 treatment again after the emergency room 2 visit? 3 A. Because I didn't have insurance. 4 Q. Okay. And how did you get 5 insurance when you finally did get insurance 6 after the accident? 7 A. My mom helped me out. 8 Q. So your mom helped you pay for 9 insurance? 10 A. Yes, ma'am. 11 Q. And did she help you pay for that 12 because she knew you needed some help with 13 that ankle? 14 A. Yes, ma'am. 15 Q. Okay. And you did move from 16 Ensley back to Homewood in another apartment 17 around 2022; is that accurate? 18 A. Yes, ma'am. 19 Q. Why did you move -- how did you 20 move? How were you able to move? 21 A. I had switched fields. And I 22 think I just moved by the grace of God 23 carrying me through this journey.</p>	<p style="text-align: right;">Page 187</p> <p>1 CERTIFICATE 2 3 STATE OF ALABAMA) 4 JEFFERSON COUNTY) 5 6 I hereby certify that the above and 7 foregoing proceedings were taken down by me 8 in stenotype, and the questions and answers 9 thereto were reduced to computer print under 10 my supervision, and that the foregoing 11 represents a true and correct transcript of 12 the testimony given by said witness upon 13 said proceedings. 14 I further certify that I am neither of 15 counsel nor of kin to the parties to the 16 action, nor am I anywise interested in the 17 results of said cause. 18 Signed the 14th day of June, 2023. 19 20 /s/ Diana B. Williams, CCR 21 DIANA B. WILLIAMS, CCR 22 Alabama CCR No. 104, Expires 09/30/2023 23 Commissioner for the State of Alabama at Large, Commission expires 04/11/2027</p>
<p style="text-align: right;">Page 186</p> <p>1 Q. Okay. Do you still have issues 2 with not being able to work in the 3 restaurant industry anymore? 4 A. Yes, ma'am. 5 Q. And you want to go back to that 6 field? 7 A. I like cooking. 8 Q. Okay. So once you get the 9 ability to do so, are you going to look for 10 ways to be able to return to that industry? 11 A. I would like to, yes, ma'am. 12 MS. WASHINGTON: Okay. Well, 13 that's all I have for now. Do you have 14 any -- 15 MS. GORDON: Nothing else. 16 That's it. You are finished. 17 THE WITNESS: Yes, ma'am. 18 MS. WASHINGTON: All right. 19 (Whereupon, the deposition ended 20 at 4:45 p.m.) 21 22 23</p>	

A	accidents 67:22 68:4,17 accurate 90:16 95:7 115:9 166:17 173:14 182:17 185:17 ability 9:8,13 178:15 181:23 186:9 able 27:20 34:22 35:3,4 36:5,8 36:14,19,22,23 37:1,3,16 39:21,23 48:19 48:21 51:6 74:16 75:22 106:5 119:10 124:6 137:17 139:12 149:3 149:15,16,18 152:15,21 154:1 155:12 176:6,10,13 177:8 178:7 179:21 182:1 184:22 185:20 186:2,10 abuse 152:18 accident 27:22 35:17 41:6 50:10 59:12 60:4,22 61:12 61:19 62:12 63:21 64:2,6,9 65:2,15 66:4,9 66:13 67:4,8 67:11,15,19 68:22 69:3 150:19 169:15 177:6,10,11 178:6,13 179:8 179:11,13,19 179:19 180:9 181:1,12 184:13 185:6	39:4 ahead 97:13 136:13 aid 109:8,13,23 110:16 aisle 75:8,12,15 81:10,13 82:20 82:21 83:8,13 acting 6:4 action 1:6 187:16 active 144:22 145:4 activities 58:19 148:17 149:1 176:14 actual 166:16 additional 67:10 133:9 137:8 141:22 142:2 address 9:19,20 11:7,14,23 12:3 13:3 153:19 166:11 advances 163:15 affect 9:8,12 176:5 178:14 181:22 affiliated 70:6 affirmative 47:15 53:3 68:14 77:10,18 104:15 114:22 123:14 130:3 139:23 156:16 179:4 181:21 184:11 age 10:17 17:15 176:21 agencies 25:13 25:18 26:17,21 27:8 28:4 agency 25:9,12 ago 11:1,2,3 22:17 144:18 agreed 2:2,13,20	Allen 10:9,11,19 10:21 13:11 79:4 116:2 allow 38:10 Allyson 10:5,8 133:7 184:5 Allyson's 78:5 ambulance 62:22 111:1,3 111:15,18 113:1,3,8,14 131:9 147:14 168:16 181:15 amount 161:2,5 161:16 ankle 26:3 35:10 37:5,8 40:20 42:22 62:16,20 63:17 64:20 65:1,9,16,18 66:8,11 68:18 117:3,7,8,12 132:16,18 135:18,22 136:2,22 138:8 139:3 140:14 141:9 142:3,11 142:13,22 143:13,16,18 144:14 145:14 Alabama 1:2 2:7 2:10 5:7,13 6:2 6:3,10 9:21 11:12 12:8 14:3 15:13 19:4,8 59:19 60:2 162:11 187:3,21,22 alcohol 150:17 Alex 9:1 154:8 Alexandria 1:9 1:17 2:4 6:12 6:16 8:19,21 8:23 Alexis 163:20 alkaline 88:11	anybody 28:6 60:14 64:12 104:18 109:1 anymore 24:19 35:5 36:10 37:14 38:23 149:13 179:23 186:3 anytime 110:20 anywise 187:16 apartment 11:16,18 12:4 12:5 153:11 183:4,4,8,9,10 183:15 185:16 apartments 13:12 apologize 31:17 appear 7:18 application 47:10 154:13 applications 47:8 applied 47:4 48:1 51:21 52:3 149:23 163:14 apply 52:1 150:3 appointment 139:22 140:3 140:11,15 145:9 159:3,6 appointments 141:17 158:4 165:14 approximately 2:11 6:11 April 22:19 area 18:21 78:9 78:12 97:19,20 98:9,11,13,16 99:6 104:13 105:12,15,16 123:21 124:16 125:4,5,11,20 126:14 129:2,5
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129:10 168:21	65:2,14 66:4,9	Bates-labeled	163:6,7 164:22	brand-new
169:14 171:7	66:12 67:4,8	122:16	176:11	121:5
172:9,10,14	67:11,15,18,22	becoming 22:13	Birmingham	Brandon 60:20
173:5	68:4,22 69:2	35:14	5:7 6:2 19:1	brands 88:8,10
areas 19:1	Avadian 88:12	bed 146:11	59:19,23 60:1	bread 100:17
125:11 128:20	available 38:15	beer 173:19,22	61:5,9	break 8:1 14:17
arm 119:12	Avenue 5:6	174:3	birth 15:9	43:1 73:11,12
arrested 56:10	average 178:6	beginning 59:16	bit 175:7	breakfast
arrived 113:5	avoid 7:17	160:11	biweekly 53:12	178:10
118:10,12	aware 126:14	believe 22:17	black 98:2 99:13	brief 43:3 73:16
asked 73:14	B	24:2 45:12	128:14	briefly 120:13
93:8 112:23	B 1:23 2:6 6:1	46:16 59:15,15	bleeding 63:11	bright 119:3
159:10	187:20,21	61:8 67:6 78:1	blocking 84:10	bring 130:19
asking 56:21	back 12:9 13:5	82:14,17 84:9	84:14	broke 72:20
68:11 93:14	13:18 15:7	88:13 91:2,2	blood 57:20 58:4	broken 63:6
151:23	33:21 34:12,21	98:15 102:15	65:6	72:6,18 137:5
asserting 7:8	36:6 46:3	102:21 107:10	Blount 17:15	brought 183:21
assign 3:2	47:11,18 58:22	108:14 109:7	18:7 56:17	brush 179:3
assist 176:14	62:1 64:15,20	109:22 112:5	57:9	buggy 81:19
177:9 178:4	66:6 67:18	112:22 113:2	blue 42:11,12	burgundy 82:6
assume 8:8	68:8,18 69:2	118:11 122:6	43:9,9 124:10	C
30:22 90:4	70:8,9 84:6,8	132:1,3,6	135:9 165:5	C 5:1
105:23 138:12	91:5 101:9	140:13 148:8	body 92:12,12	calculated
attached 52:15	104:12 106:4	169:12 171:6	94:7,10 96:1,5	161:12
80:21 104:4	118:4,6 133:4	175:12 182:13	Bone 162:11	call 47:18,21
114:18 123:1	136:10,18	believed 105:5	bones 63:6 72:6	51:10 111:12
127:10 160:22	139:17 172:14	bells 70:15	72:18	called 30:10
170:9	179:22 181:1	belt 61:15	boot 145:14,21	47:11 63:15
attempting	185:16 186:5	benefits 51:22	146:5 181:8,9	111:3 113:4
166:21	background 7:7	58:15 150:1	181:11,16,20	calm 109:14
attend 139:7,10	backing 12:2	Bennett 1:9,17	bottle 89:5	camera 75:12
158:3,20	bad 51:17 156:5	2:5 6:12,16 7:2	90:14,15,20	100:8,10
159:19	156:5	8:19	166:22 167:3	cameras 75:14
attendance	bandages	Bessemer 14:3	bottled 81:11	car 59:12 60:8
49:19	132:12	77:4,16,17,20	96:14,21	60:10,12,14
attended 139:14	bankruptcy	78:3,16	bottom 94:14,16	150:19
attorney 75:19	56:13	best 39:2 61:2	94:20 95:7	care 69:19 70:4
166:13 167:12	Baptist 71:14	66:19,20	106:1 114:21	70:10,20
171:22	181:15,16	big 26:5 74:8	120:22	100:21 152:4
August 25:3	bare 49:1	117:21,21	box 90:22	176:6,10
28:1 158:8,16	basically 135:20	152:17,18	brace 150:23	cares 71:16
Automation	151:21 155:1	biggest 65:3	braces 65:9	carrying 81:22
26:13	basis 53:13	66:19,20	132:13 146:22	185:23
automobile	57:13 58:3	bill 147:8,9,15	brain 31:18	cart 81:20,20
61:23 62:12	164:6	bills 51:12 147:6	brand 88:6	case 44:13,16
63:21 64:2,6		147:17,22	89:12 120:15	

Alexandria Bennett

6/14/2023

Page 190

89:5,7,8 144:6 160:11 cases 97:3 cause 6:13 65:15 65:15 148:14 148:17 187:17 caused 37:5,9 68:21 83:9 91:16 95:11 104:23 105:1 145:2 157:9 CCR 1:23 187:20,21,21 certain 39:14 88:6,8 94:19 101:14,16,19 120:7 148:13 148:17 CERTIFICA... 4:8 187:1 Certified 2:6 6:1 certify 6:4 187:6 187:14 chance 123:6,12 change 30:13 31:6 33:9 36:1 55:23 143:13 161:22 178:14 changed 30:16 32:4 53:16 56:2 131:17 144:21 177:13 changing 28:7 Charles 5:16 chart 160:15 check 32:22 children 11:4 chiropractor 72:9 chiropractors 72:13 Christmas 183:1,5,8,12 chronic 57:16 58:1 church 56:20,23	churches 56:15 57:7 circle 124:10,12 127:18 circled 124:14 125:5,11 129:11 citations 61:11 city 61:6 Civil 1:6 6:6 claim 50:1 124:2 124:7 127:16 165:8 claiming 7:9 48:5,13 50:4 50:18,22 51:9 68:13 129:7,14 129:18 151:3 158:1 160:1,14 165:12 claims 7:7 22:23 46:10 162:23 166:1 clarify 43:7 173:3 cleaning 122:8 122:11 clear 7:23 130:7 171:12 clearly 171:12 173:18 clerk 23:9 close 32:1,6,11 108:11,12 149:5 close-up 16:23 closer 53:21 76:22 closing 44:7 clothes 130:12 clubs 56:16 57:7 collision 60:6,7 color 4:17,18,19 4:21,22 99:10 99:11 128:11 colored 82:6	come 21:17 24:16 26:23 27:2 31:3 36:7 51:10 61:2 109:23 110:15 110:21 113:10 113:18 122:11 130:14 145:6 168:19,23 169:2,22 175:6 175:18,20,22 175:22,23 comes 175:2 comfortable 153:18 comforted 109:16 coming 77:21 78:9,11,13 commencing 2:11 6:10 Commission 187:23 Commissioner 6:4 187:22 commotion 169:6 172:12 company 23:5 27:2 28:2 42:10 158:11 163:18 compensation 58:15 complaint 136:22 complaints 118:13 131:12 135:16 complete 114:10 completed 60:22 61:3 completing 113:23 compliance 2:17 computer 187:9 concern 83:9	concerned 86:13 86:22 conditions 9:12 57:16 58:1 cone 101:6 cones 121:19,23 168:20 confirmed 170:22 confusing 7:20 96:18 consider 69:18 70:9 considered 183:20 consumed 150:16 coming 77:21 78:9,11,13 commencing 2:11 6:10 Commission 187:23 Commissioner 6:4 187:22 commotion 169:6 172:12 company 23:5 27:2 28:2 42:10 158:11 163:18 compensation 58:15 complaint 136:22 complaints 118:13 131:12 135:16 complete 114:10 completed 60:22 61:3 completing 113:23 compliance 2:17 computer 187:9 concern 83:9	46:18 51:15 52:20 55:1 75:13 89:2 167:8 168:6 173:12 180:18 187:11 couch 184:5 counsel 2:4,22 3:1 6:7 187:15 counselors 155:4 County 17:16,16 17:16,19 18:4 18:7 56:17 57:9,9 187:4 couple 79:20 103:18 134:13 162:18 court 1:1,22 2:18 6:20 7:12 49:3 cover 74:8 covered 164:19 COVID 73:5,9 coworkers 180:21 cracked 62:15 65:5 crime 56:10 Cross 42:12 43:9 135:9 165:5 crutches 132:1 132:10,15 150:21 181:6,7 Crystal 20:14 curious 75:22 curl 149:7 current 9:19,20 14:4 21:14 53:20 56:4 currently 19:10 150:11 Customer 4:20 customers 37:21 108:21
--	---	---	---	---

cut 138:15	163:11 174:16	depositions 2:19	101:14,19	Drive 2:10 5:12
CVS 69:11,12	184:21 187:18	depressing	105:2 107:19	6:9 9:21 11:7
<hr/>	day-to-day	151:15 183:17	107:19 175:2	11:11 12:3
D	176:14	depression	disability 150:1	153:6,19
D 4:1	days 20:4 31:21	157:3	150:8	driver 60:10
dad 10:18,19	32:10,18,19,23	describe 82:10	disclosures 4:23	67:23
damaged 61:18	44:8,11,12,18	83:16 92:14	160:7	driver's 15:11
damages 160:13	50:5,17,23	99:2 112:10	discuss 156:18	driving 16:2
dangers 168:12	51:9 54:23	143:6	discussed	77:20
168:21 169:14	63:10 148:22	description	106:11 155:2	drugs 150:16
169:16	Dazzio 2:9 5:11	55:20,22 115:8	166:11	due 177:1
dark 79:6	6:8	173:14	discussion 15:6	DUI 61:16
Data 23:9	decide 51:5	desk 20:2	disease 162:16	duly 6:17
date 6:5 12:21	decided 38:16	detail 83:16	displays 84:18	duties 20:16
15:9 24:9	decision 39:2	details 95:9,12	distinguish	26:8 28:7 35:2
39:13,15 56:5	Dedicated 25:14	95:14	166:23	35:15 36:2,11
68:15 85:21	26:20 27:1,5	determine 106:5	DISTRICT 1:1	36:19,21 38:2
166:17	49:18	determined 56:6	1:2	49:15 50:9
daughter 10:3	Defendant 1:13	develop 157:10	DIVISION 1:3	179:22 181:23
11:8,21 12:15	5:9	diabetes 57:20	doctor 16:13	<hr/>
71:22 78:16,19	Defendant's	58:4	17:10,11 40:1	E
120:8 146:7	4:15 52:8,14	diagnosed 16:21	40:8 41:3 64:1	
151:19 161:23	80:13,14,19	57:19,23 63:5	69:19 70:10	
176:6,16 178:7	103:22 104:3	157:2 162:16	134:18 142:11	
183:15	105:8 114:14	179:6	doctor's 159:2,6	
daughter's 77:2	114:17 122:15	diagnoses 132:4	159:19	
77:9	122:23 123:21	diagnosis 65:1	doctors 39:8	
Daughtry	124:5 125:15	137:4	64:19 67:9	
115:17 116:4	125:23 126:1,2	Diana 1:23 2:5	70:21 140:22	
day 17:8 31:23	126:6,23 127:1	6:1 7:12	141:7,13,18	
50:23 51:2	127:5,9 128:21	187:20,21	142:10 150:8	
63:9 66:12,12	129:11 131:4	died 151:11	158:3,20 160:2	
76:8,18 78:6	160:5,21	differences	165:14	
79:17 83:17	degenerative	177:14	document 52:7	
84:20,22 85:6	162:16	different 14:12	103:20 160:13	
88:19 103:5,9	deliver 71:21	25:6,13 106:15	doing 28:10 58:9	
111:6 114:4	72:1	124:17,19,23	73:10 76:17	
115:3 118:23	delivered 71:23	126:22	77:1 107:1	
120:8 121:3,10	72:1	dinner 76:20	114:8 151:14	
123:22 124:2	department	81:5 88:23	downhill 135:19	
126:9 127:16	21:3 61:6,7	directly 90:21	downtown	
128:14 129:2	depict 105:8	91:1	155:16	
132:5 133:11	deposition 1:16	dirty 85:10	57:8 59:2,5,7	
136:8 138:1,7	2:4,15,16 3:4	91:18 92:1,2,5	64:14 65:16	
146:3,10 147:9	7:11 8:14 9:17	97:20 98:1	68:7 80:15	
158:2 159:3,13	186:19	99:18 100:1,19	90:19 96:2	
			99:9,10	104:10 128:17

Alexandria Bennett

6/14/2023

Page 192

166:23 167:6	35:21 44:13,16	Exhibits 4:10,12	147:3,7 148:7	99:16 101:15
electronic 115:4	81:16 158:2	4:15 128:22	149:2,16	102:4,8,17,23
169:21	159:3	131:4	150:14,17	103:4,4,9
Ellise 5:4	entity 43:8 61:2	exit 131:2	151:3 154:2	105:9,10 106:9
email 170:7	entrance 80:2,4	expect 142:13	155:3,21	107:4 116:20
emergency	80:12,16,17	expenses 160:2	156:18,23	116:23 117:10
66:16 133:8	81:2	164:18,21	157:3,6,9,20	117:18,20
184:9,14 185:1	entry 23:9	165:13,19	162:21,22	118:2,3 119:18
emotional 157:8	ER 64:4 66:12	experience	164:15,22	120:1 121:10
157:16	67:7,13 72:23	118:2 143:18	165:21 168:5	121:14,20
emotionally	131:13 133:18	154:15	fallen 68:15	122:9 123:22
151:5 155:4	135:4 136:8,19	experiencing	falls 68:6	125:20 126:15
156:3 157:22	147:9	135:21 143:7	familiar 14:8	130:12 131:18
165:17	Erica 17:21	143:15 150:11	85:20 115:17	163:12 167:5
employed 19:11	162:20	expires 187:21	family 176:4	167:20 168:14
46:18 57:4	ERs 71:6,8	187:23	far 16:22 79:14	174:4 175:5,10
employee	Esq 5:4,10	explain 8:6 50:3	83:21 84:1	175:15
111:22 112:4	estimate 82:16	extra 32:22	farsighted 16:21	felt 94:1 117:10
112:12,23	175:8	eye 16:13 17:10	fast 93:2 95:3	female 112:14
113:4,19,23	evening 82:4,8	17:11	112:20	field 186:6
118:9 122:4	events 9:9,13	eyeglasses 16:8	fast-forward	fields 155:1
175:6	eventually		172:5	185:21
employees 83:11	134:23	F	fast-paced 182:7	figure 36:17
102:21 108:22	everybody 7:20	face 179:1	98:20 140:19	
109:4 110:12	everyday 148:19	fair 8:9 90:15	figured 154:7	
110:13,15	evidence 3:4	121:13	filed 7:4 56:12	
employment	102:14	fall 82:13 91:17	58:14	
21:21	exact 169:8	94:21 95:10,11	filled 69:4 134:1	
EMTs 113:10	exactly 167:21	95:13 104:13	134:7	
116:10,14	examination 4:3	104:18,20,23	finally 41:19	
118:10,12	6:13 7:1 166:7	105:1 106:12	185:5	
130:16	examined 6:17	107:6,12,21	find 42:20 75:7	
EMW 5:5	exercise 58:18	108:1,23 109:5	103:21 109:21	
ended 23:19	Exhibit 52:8,14	109:7,12,18	110:6,7 119:20	
27:17 28:14	80:13,14,19	110:12,13,16	152:5 154:8	
29:13 33:8	103:22 104:3	110:21 111:9	175:14	
46:16 49:10	105:8,17 106:4	111:22 116:7	fine 17:4 31:19	
78:14 186:19	114:14,17	116:18,21	31:19 70:17	
Ensley 11:12,15	122:15,23	117:13,17	76:6 79:11	
12:7 13:3	123:21 124:5	118:22 128:18	80:23 112:16	
153:7 183:5,8	125:15,23	134:4,11	117:2 123:10	
183:10,11,15	126:1,6,7	135:13 136:4,8	124:13 157:18	
183:19 185:16	127:1,1,5,9,22	138:10 139:15	162:3 170:3	
enter 84:5 87:11	128:6 129:11	140:23 141:15	finished 24:11	
entered 87:20	160:6,21 170:5	141:19,23	162:2 186:16	
entire 33:10,17	170:8	143:3 146:23	first 5:6 6:17	

Alexandria Bennett

6/14/2023

Page 193

29:1,10,17	138:19 139:2	79:22 88:5	158:5 171:19	graduate 18:12
39:11 80:13	144:12 150:19	107:2 111:1	177:23 178:8	grandma's 77:7
83:2 94:17	follows 6:18	144:1 178:22	179:20 180:3	78:5
112:3,11,11	footage 75:14	182:14	181:1,6,8	grandmother
113:19 118:23	171:15,18	ghetto 151:21	182:19,19	77:3,9 151:10
121:6 135:14	172:16,21	183:20	186:5	151:11
135:17 138:6	force 2:16	girl 117:21	God 185:22	grandmother's
143:20 155:18	foregoing 6:6	give 21:8 39:8	going 7:12 14:23	120:7
156:8 168:1,3	187:7,10	52:9 61:14	15:2 25:13	Grandview 63:4
177:19	forget 7:16	124:9 133:17	38:17 42:22	63:6,20 64:19
fist 149:10	form 2:23	142:11 148:11	52:6,9 71:1	71:1,6 147:8
five 24:1,2 44:7	169:17	181:16	76:19 77:6	164:23
44:11,18	four 44:11,12	given 8:14 14:7	78:1 83:4	great 107:1
five-four 73:22	180:11	29:23 33:1	150:25 171:7	170:15
73:23	fourth 87:23	38:21 40:18	91:6 107:2	Green 5:17
flare 148:15	fractures 63:6	61:11 64:23	122:14 124:9	grew 18:21
flatfooted	frame 168:18	68:20 103:11	135:19 140:14	grocery 81:20
119:12,23	169:9 172:1	131:22 132:4	140:16 142:8	ground 8:13
flip 123:4	free 62:9 123:8	137:3 145:14	98:21 120:1	98:21 120:1
floor 84:15 85:5	freezer 26:12	145:23 146:21	grounds 3:2	guaranteed
85:7,8 91:19	Friday 20:6 32:7	181:5 187:12	21:20	21:20
91:21 92:3,8	Friedman 2:8	giving 150:8	guess 66:1 119:5	157:12 159:8
92:16,18 93:2	5:11 6:8	glasses 15:21,23	166:9 170:4	178:22 180:7
94:6,8,17	friend 60:17	16:1,2 17:5	guessing 94:18	98:23 111:19
95:19 96:3,4	friends 57:1,1	go 8:20 15:1,4	Gwen 7:2 174:9	Gwendolyn 5:10
96:17,20 97:6	front 84:6 87:15	16:19 18:9	H	
97:9,15,17,21	126:16 129:8	20:8 21:7,9	hair 82:6 128:8	
98:9 99:3,10	129:11,15	22:2,6,21 24:5	178:10,23	
99:15,18 100:1	130:1	25:7 26:6 29:7	halfway 84:2,3,4	
100:19 101:15	full 2:17 8:17	35:23 38:19,20	hand 105:20,22	
102:12,16,22	50:23 51:2	38:22 39:5	hands 91:14	
105:9 106:1,9	full-time 45:19	48:18,20 49:11	happen 81:9	
113:7,17	45:23 46:7	49:14 50:5,12	106:19 107:15	
121:16 122:5	fun 10:17	50:17,18 51:13	144:3	
125:4,9,10,16	funny 62:6	52:2 56:20	happened 12:23	
128:19 130:2,9	further 2:13,20	63:9 65:21	13:6 46:12	
167:13,16,20	91:5 141:8	66:15,18 69:5	59:18 60:4	
168:2,4,15	187:14	69:11 70:2,3	67:5,19 74:3	
169:2 174:18	future 142:13	77:4,5 80:7	75:9 82:13	
flu 69:23		81:3 82:19,21	83:17,22,23	
follow 133:14	G	85:17 86:2	95:3,13 106:12	
follow-up 66:23	gap 27:22	93:20 95:6		
166:8	gas 161:3	97:12 109:20		
following 6:14	gather 123:10	133:2,6 136:13		
39:7 41:20	getting 31:11,14	137:23 146:11		
65:2 134:4	36:7 74:4	154:11 155:7		

106:16 114:4,6	helped 42:19,20	41:7 48:3 63:2	incident 4:20	141:14,19,22
140:6 167:4	152:17 163:2,5	63:10 71:13	7:9 12:21	145:1 146:22
172:2	163:9 185:7,8	118:16,18	20:17 36:13	148:6 164:10
happening	helps 131:5	131:9 132:21	40:22 46:13	164:14 176:4,5
172:11	Hey 154:8	181:5	48:7 50:6,19	injury 58:12
happenings	hidden 129:19	hospitalized	51:3 67:5 71:4	inside 66:21
169:8	129:21	138:3	73:1 74:2 81:8	80:7 81:2
hard 35:6 41:9	high 18:10,11	hospitals 154:10	86:12 95:14	instructions
74:19 176:15	57:20 58:3,6	hour 20:12	112:21 113:23	145:23
178:17,18	183:22	hours 20:7 31:7	114:13 115:9	insurance 34:2,4
hazard 87:3	Highway 69:14	31:22 32:4,5	122:21 130:15	34:6 39:22
head 7:15,16	Hills 2:10 5:13	44:1,20 54:2,4	164:5,11	41:9,11,15,18
25:15 26:10	6:10	54:5,10 55:3,7	166:14,16	41:19 42:3,7,9
60:6 149:22	hip 64:15,20	150:17 159:9	167:4 171:2,8	42:10,14,15
155:13	68:7,18 95:1	house 11:17	171:23 172:10	43:8 51:15,19
head-on 60:7	117:3,5,16	12:3 36:6 77:7	174:16 176:2	51:20 61:15,23
headed 77:22	136:1,3,7	78:5 120:7	176:17	67:18 134:14
heal 138:18,20	hips 59:2	179:22	incision 138:12	134:22 136:16
healed 66:19	hire 56:8 154:12	hurt 66:8 116:23	138:18,22	139:13 140:9
67:4	hired 22:5,7	117:3,7 143:11	increase 32:3	140:18 142:7
healing 138:22	hit 93:1,1 94:8	148:18 177:18	increased 53:23	147:21 148:3
health 34:1,3,6	94:16 117:13	hurting 65:17	incurred 160:1	163:2 185:3,5
41:14,17 42:3	holding 96:20	94:13 95:1	indicating 54:17	185:5,9
42:5,7,13 43:8	holidays 34:11	117:4 118:4	149:9 171:5	interested
51:15,19,20	34:15 152:11	184:20,21	187:16	187:16
67:17 148:3	183:16	husband's 18:1	interfere 159:7	Intern 5:16,17
healthcare	hollering 109:15	Hyundai 60:13	internally 62:15	internally 62:15
184:10	home 63:9 133:3	61:18	63:11 65:5	
hear 95:19	133:7 137:23	<hr/>	interrupt 62:9	
heard 75:11	178:1	I	interstate 59:20	
100:7 163:22	homeschooled	idea 24:1 32:23	interview 47:11	
heart 14:6	177:1,3,5	82:7 84:3	47:13	
heel 120:23	Homewood 9:21	102:3 112:6	interviews 47:17	
held 15:6,15	12:8,9,11 13:7	127:13 135:12	Inverness 54:13	
33:12	13:15 76:23	161:1	involved 9:15	
Helena 16:16	78:9,11 151:20	identify 75:21	58:18 67:21	
76:15,23 77:1	152:22 183:4,9	124:6 171:14	68:16	
77:6,15,21	185:16	171:17 172:15	iPad 114:9,11	
78:3,3,15,20	Hoover 18:17,18	172:20	115:3	
78:23 85:12	19:4 29:6,9,14	immediate	issue 95:15	
86:20	29:17 30:5,12	117:9	140:8	
help 36:7 41:12	30:14,20 31:12	immediately	issues 140:12	
109:11 110:10	31:15,20 34:13	35:18 116:21	178:22 186:1	
132:15 137:17	69:17 183:22	118:1	item 90:21	
175:15 185:11	hopes 22:12	impact 176:3	133:10 134:10	
185:12	hospital 39:17	important 7:14	138:9 140:22	items 79:20 81:5

88:23	joint 162:11,16 journey 185:23 jug 89:7 90:2,17 90:21 166:22 167:3 July 137:19 158:8 jumping 31:17 June 1:19 2:11 6:11 52:19,19 53:8,16 54:1 187:18 jury 56:22 57:2 57:5	kin 187:15 kind 29:7 54:14 56:6 89:11 115:4 117:20 117:21 120:19 121:11 137:2 145:5 150:23 157:15 166:21 182:5 kitchen 35:4,8 36:15 37:12,19 151:12,17 179:22 180:17	77:12,13 kin 187:15 kind 29:7 54:14 56:6 89:11 115:4 117:20 117:21 120:19 121:11 137:2 145:5 150:23 157:15 166:21 182:5 kitchen 35:4,8 36:15 37:12,19 151:12,17 179:22 180:17	107:1,17 108:16,19 117:12,14,16 117:20,23 120:17 129:21 134:20 144:10 145:21 146:4 148:20 149:4 149:18 151:15 151:22 152:3,8 152:12 154:5 154:13 156:20 157:13 161:11 163:7 165:6 166:13 167:2 167:20 169:20 174:17 175:1,9 179:17 181:4 183:20 184:3,6 184:18 knowledge 162:21 knows 152:11
	K			L
	keep 100:4,5 132:18 139:12 152:5 keeping 100:19 Kellie 107:10,20 108:22 109:8 110:1 112:2 113:19 115:15 115:16,17 116:4,6,16 118:9 174:20 174:22 Kelsie 5:17 kept 100:3,12 175:4 Kevin 10:19,21 13:10 79:3,4 80:7 81:15 87:11 103:10 103:11 104:7 104:10,21 106:11 107:5 108:3,23 109:17 110:1,3 116:2,17 118:10 126:19 126:22 131:16 132:23 171:17 175:14,19,21 Kevin's 77:11	keep 100:4,5 132:18 139:12 152:5 keeping 100:19 Kellie 107:10,20 108:22 109:8 110:1 112:2 113:19 115:15 115:16,17 116:4,6,16 118:9 174:20 174:22 Kelsie 5:17 kept 100:3,12 175:4 Kevin 10:19,21 13:10 79:3,4 80:7 81:15 87:11 103:10 103:11 104:7 104:10,21 106:11 107:5 108:3,23 109:17 110:1,3 116:2,17 118:10 126:19 126:22 131:16 132:23 171:17 175:14,19,21 Kevin's 77:11	know 8:2,5 14:2 14:4 22:1 24:14 26:4,9 26:10 29:4 31:16 32:21 36:7 37:11,12 41:12 42:9 44:11 46:2 52:4 55:12 56:7 60:19 62:9 68:12 70:23 74:4,4 74:18 77:4 81:4 82:1,5 85:7,10 89:8 91:23 92:15,17 94:3,13 97:3 97:20 98:2,6 99:14 100:9,20 101:20 102:7 102:11 103:2 103:17 104:7,8	L labeled 151:16 173:18 lady 104:11 107:9 laid 126:15 152:23 Lakeshore 23:15 land 94:11 landed 92:13 94:12,14,14 127:23 128:5 Large 2:8 6:4 187:23 Lashun 8:19 latest 20:9 law 2:8 5:5 6:8 laws 2:18 lawsuit 7:4 9:16 23:1 46:10
	jobs 21:23 25:6 25:16,17,19 26:15,16,16 27:16 28:14,18 38:15 42:20 45:7 46:21,23 47:3,14 48:1,3 48:4,14,20,23 49:7,14,20 50:13 158:17 159:16,19 161:6 Johnson 162:11 162:12			lifestyle 144:22 lifting 40:18 lighting 119:2 liked 154:4 linger 66:17 link 170:6 liquid 92:7 128:19 129:8 130:8 167:15 168:1 liquor 173:18,22 174:3 listed 115:10,15 116:2 162:19

Alexandria Bennett

6/14/2023

Page 196

162:20	123:13 126:22	26:18,22 27:14	84:13,17,21,23	134:2 135:2,11
lists 55:10,11	172:11 186:9	27:18 28:20,22	85:3,16 86:1,7	135:15 136:9
115:12 160:13	looked 74:19	29:9,15 30:2,8	86:23 87:5,9	136:20 137:1
little 8:13 31:12	75:20,23	30:16 32:15	87:13,18,21	137:11,14,21
76:22 101:6	125:16,22	33:4,15 34:7	88:1,18 89:3	138:2,5,11,14
112:1 115:13	looking 88:2,7	34:14,16,19	89:14,21 90:9	138:17,23
116:1 160:8	89:4 97:1	35:13,19,22	90:18 91:2	139:4,9,16
live 10:1 11:10	106:4 119:7	36:3 37:7,23	92:10 93:22	140:2 141:6,16
12:7 14:1	124:4 128:23	38:4,7 39:4,6	94:5,9,18 95:8	141:20 142:1,5
lived 9:22 11:6	184:13	40:7 41:16,22	95:16,21 96:12	142:9 143:1,14
11:14,19 13:10	looks 52:20 53:9	42:2,8 43:10	96:15,22 97:7	143:17 144:5
13:11 18:23	54:11 74:7	43:13 44:15,19	99:4,8,12	144:15 145:7
19:3 153:15	105:19 115:14	44:21 45:6,9	101:18,22	145:12,16
lives 77:15,16	124:15,20	46:11,14,19,22	102:2,5,9,13	146:17,20
living 13:2,17	128:13 129:10	47:2,6,12 48:8	103:6 104:2,17	147:1,5,11,13
17:15 76:11	lost 27:9 60:5	48:12,16 49:9	104:19 105:5	147:16,20
184:1,2	152:9,10 161:4	49:12,16,21	105:11,14,18	148:5,9,16,23
Lloyd 162:10,12	161:6 165:8	50:15,21 51:12	106:2,7,13,17	149:12,14
loans 163:15	lot 48:3 54:2,5	51:16 52:13,22	106:20,22,23	150:2,5,10,15
located 16:15	79:14 97:12	53:5,11,14,18	107:7,13,22	150:18,22
26:11 89:23	142:18 144:16	53:22 54:18,21	108:2,14 109:2	151:1,6 153:7
90:11 134:18	152:18 155:20	55:2,6,9,14,18	109:6,10,19	153:9,12,17,20
location 29:5,6	169:5 179:9	56:2,11,14	110:2,14,17,23	154:19 155:9
29:10,11 35:21	loud 7:14	57:10,14,18,22	111:7,11,13,16	155:23 156:5
43:19 54:13,20	love 149:19	58:5,10,13,16	112:5,9,13,19	157:1,4,7
69:7	loved 152:9	58:20,23 59:4	113:9,12,15	158:18,22
logged 177:23	low 106:23	59:9 60:9,11	114:2,16 115:1	160:3 161:10
long 9:22 11:22	LP 7:4	60:15,23 61:4	115:11 116:5,8	161:19 163:13
12:12 19:20	<hr/>			
24:20 27:6,19	M	61:10,17,20,22	116:11,15,19	163:17 164:8
30:19 35:5,12	M 5:4	62:4,10,13	116:22 117:11	164:12,16
36:14 40:12	ma'am 8:10,16	63:1,7,15,18	117:15 119:1,9	165:3,7,11,15
42:16 65:20,22	9:4,6,10,14,18	63:22 64:3,7	119:13,16,19	165:22 166:3
82:12,15,16	10:10,22 11:5	64:10,13,17,22	119:22 120:2,5	166:18 167:10
102:3,7 106:8	11:9 12:17,19	65:13 66:10	121:1,4,8,17	167:14,17,22
110:9 111:21	13:1,4,9,23	67:2,20 68:2,5	123:16,23	168:7,10,13,22
134:3 135:12	14:13,16,19,22	68:19,23 70:7	124:3,8 125:2	169:5,11,18
136:3,11	15:14,17,20	70:22 71:9,18	125:13,18	170:20 171:1,9
143:22 144:18	16:9,17 17:1,3	72:5,8,11,22	126:17 127:2,8	171:13,16
146:18 168:15	17:9,12,17,23	73:3 74:11,15	127:14,17	172:3,17
175:5 180:8,9	18:5,8,16,22	76:5,5,10,13	128:1,3,7,10	173:16 174:1,5
longer 36:21	19:2,9,12 20:1	76:16 77:14	128:16 129:3,6	175:16 176:8
149:3	20:3,19 21:16	78:17,21 79:1	129:13 130:5	176:22 177:12
look 14:18 74:18	22:10,14 23:2	79:5,13,16,23	130:21 131:1	178:3 179:2,16
101:9 103:14	23:7,12 24:10	80:3,6,8 81:14	131:10,20	180:15,19,22
105:10 123:6	24:13 25:10	81:18 82:11,23	132:11,17,19	181:3,10
		83:3,6,10	133:12,19	182:16 183:2

183:13 185:10 185:14,18 186:4,11,17 making 22:23 29:21 33:21,23 46:10 149:10 157:14 162:23 166:1 Male 112:14 manage 35:3 36:9,15 managed 29:10 30:17 manager 30:23 31:11 33:10,14 33:14 36:6 56:1 179:23 180:1 managing 35:8 38:11 March 21:5 22:18,18 Mario 30:6,10 31:2 32:13 35:20,23 38:8 39:5 mark 52:6 80:12 103:21,22 114:14 122:15 127:5 170:5 marked 52:15 80:20 104:4 105:8 114:18 123:1,20 124:5 125:15,23 126:6,7,23 127:10 128:21 160:5,22 162:18 170:9 market 42:5 marks 85:8,10 91:23 92:1 97:21,22 98:1 98:4 100:2,16 married 9:5 17:22	mean 39:10 45:4 54:19 61:13 68:9 71:12 81:12 85:7 93:2 99:22 100:5 135:5 177:21 178:21 182:4 meaning 137:23 mechanism 94:21 medical 9:12 57:16 58:1 142:19 155:6 160:19 164:22 medication 9:7 57:13 68:21 133:18,20 134:4 148:21 156:23 medicine 58:3 meet 131:15 meeting 170:18 member 56:15 57:7 members 56:23 memory 79:9 128:15 mental 152:18 mentally 151:4 155:3,20 157:21 165:18 mention 70:13 mentioned 95:17 128:9 141:12 154:1 Mercedes 26:13 mess 26:3 middle 54:14,15 84:19 mileage 160:1 161:2 165:13 Milo's 23:5,6 24:5 25:5 27:21 28:2 47:1 49:8	158:11,15,16 158:20 159:4,9 mind 14:18 mine 52:10 minimum 49:1 minute 95:4 110:7 162:8 minutes 82:18 106:10 110:8,9 168:17 169:4 175:9,12,18 missed 48:6,10 48:13 49:23 161:8 165:9 mixed 98:2 mobility 154:9 182:15 molded 100:18 mom 17:19 19:6 42:18 77:12,13 151:23 152:16 152:16 177:7 185:7,8 Monday 20:6 32:7 money 31:8 Montgomery 69:14 month 24:1 101:10,11 151:11 153:23 months 24:1,3 24:21,22 40:3 41:5 42:18 43:12 65:23 144:19,23 145:1 Morgan 23:14 morning 32:1 46:2,3 55:17 143:21 144:4 144:11 159:16 177:16,17 178:5,6 mother 162:20 motion 92:11	mouths 24:15 move 37:1 52:5 151:20,20 152:1,20 178:19,20 182:1,5 183:3 183:5,11 185:15,19,20 185:20 moved 13:13,21 21:3 31:5 112:20 128:2 153:5 185:22 movement 148:20 movements 92:12 148:13 multiple 90:5	negative 33:2 47:22 65:11 75:1 89:9 90:7 112:7 121:1 145:3 154:23 negatively 149:22 neither 187:14 never 34:12 140:14 142:14 149:4 new 19:16 22:12 night 32:1 46:3 46:4 81:17 132:21 159:14 nights 46:4 179:10 nighttime 44:3 44:20 74:5 nine 10:15 nine-year-old 10:16 nod 7:15 North 5:6 NORTHERN 1:2 Nos 80:20 Notary 2:7 6:3 notes 74:9 158:14,15 notice 95:22 100:22 noticed 95:18 96:3 97:11,15 100:11,15,16 100:17,19 144:10 166:19 noticing 149:6 number 1:6 14:5 14:11 15:3,11 55:3 numbers 160:17 numerous 47:8
				N N 2:1 4:1 5:1 name 7:2 8:18 8:20 10:4,5,9 17:20 18:1 25:11 26:9 30:7 60:18,19 62:6,7 70:13 70:18 107:10 155:13 named 180:17 names 8:23 9:3 Nash 5:16 nearby 19:1 nearest 75:14 nearsighted 16:21 necessary 2:21 need 8:1 24:19 73:11 needed 25:23 29:8 37:20 41:13 42:21 111:15,16,17 112:23 133:14 178:12 182:10 185:12

Alexandria Bennett

6/14/2023

Page 198

OASIS 163:19 163:21,22	officer 130:14 130:18	81:1,8 82:7 83:15 84:22	155:10 157:18 158:1,7,13,19	160:10 open 32:1,6,10 138:16
object 164:2 169:17	offices 2:8 6:8 oh 21:11 24:8	85:4,12,17 86:4 87:19	159:8,13,23 160:4 161:1,14	138:16 opened 37:21 oral 6:13 orange 101:6 order 158:3
Objection 93:7 93:16	33:4 74:20 98:6 124:13	89:4,22 90:10 90:14,19 91:11	161:20 162:1,9 163:4,14 164:9	organizations 56:16 57:2,8
objections 2:22 3:2	162:3 okay 8:11,17	93:3,13,19 94:7 95:4,17	165:4,23 167:23 168:5	original 52:16 80:21 104:5 114:19 123:2 127:11 160:23 170:10
observe 83:7 121:18,23 122:7 128:18	10:11,23 11:13 11:16 13:2,8 13:17,21 14:12	95:22 96:5 97:2,5 98:8 99:2,5,14,19	168:14,23 169:7,19 170:15,21	orthopedic 41:8 64:1 133:15 134:17 140:22
observed 86:21 107:15 129:2	15:21 16:4,13 16:18 17:4,10	100:14 101:11 101:20 102:20	171:6,10,14 172:15,18,21	Orthopedics 134:16
occasion 86:5 156:15	17:14 18:20 19:5,10 21:6	103:11,19 104:12,18	173:17 174:6,8 174:21 175:3	Outback 27:9 27:12 28:19 29:1,13,17,22
occasions 68:16 86:9,11	22:7,11,15,21 23:8,16 24:4	105:12,23 106:3,21 107:4	175:13 176:1 176:13,20	30:13,15 31:20 32:2,6,17 33:18,22 34:2 34:9,21 35:16 38:3,19 43:19
occurred 171:8 171:23 176:17	24:18 25:11,16 27:6,15 28:3	108:3,7,13,18 109:11 110:18	177:4,8,20 178:4,13,21	45:20,22 46:4 46:7,16 47:1
October 12:22	28:17,23 29:12	111:5,21	179:5,13,17	48:11 49:8,23
13:18 17:5 33:22 34:5 36:13,20 38:3 39:7,19 43:7 45:14 48:7,15 50:2 53:1,16 53:21 54:1 57:12,17,21 58:17,21 59:3 59:7 64:15,21 68:1,4,8,13 71:7,17 72:4,7 72:10,12,18 74:1 85:13,18 86:6,20 87:4,7 87:10 89:12,13 101:12 125:17 125:21 128:17 166:16	30:3,9,11,19 31:5,10,16 32:10 33:16 34:12 35:1 38:1 40:1,8,12 42:16 43:6,11 46:1,8,23 47:23 48:9,17 48:22 50:11,16 51:14,21 52:5 52:17,23 53:6 53:8,15 56:4,9 57:11 59:14,17 59:23 60:3,21 61:18 62:11,18 64:4,18 65:8 66:8,15 67:17 68:3,20 69:1 69:10,15 70:8	112:16 113:3 113:16 115:2,7 115:23 116:1,3 119:2,10 120:6 121:2,5,13,18 121:22 122:3,7 122:14,22 123:7,11,12,17 123:19 124:1,4 124:9 125:3,14 125:19 126:18 127:3,20 128:5 128:17 129:4,7 129:14,23 130:6,11 131:7 132:9 134:6,23 136:10 137:2,7 137:22 139:7 139:14 140:3 141:2,12 142:2 143:15 145:5 145:19 146:9 146:21 147:14 148:6 149:13 149:23 153:10 153:21 154:20	180:6,13,23 181:4,11,19 182:4,13,18,23 183:3,11 184:8 184:23 185:4 185:15 186:1,8 186:12 old 10:14 14:11 176:16 older 17:15 Olympia 9:20 11:7,11 12:2 153:6,19 on-the-job 58:12 once 7:20 24:11 30:16 71:17 81:2 91:21 96:4 98:5 100:7 105:5 118:12 131:11 144:1,9 154:7 186:8 oncology 19:19 ones 75:17,18 125:21 134:20	137:22 outside 79:6 overheard 121:15 overnight 63:8 138:4 159:7,11 159:12 overtime 54:9
odor 130:8 off-the-record 15:5	70:19,23 71:19 72:3,17,23 73:4,10,10,15	141:2,12 142:2 143:15 145:5 145:19 146:9	180:8,14,17 181:2,7,20,23	
offered 3:4 office 19:18 23:11 134:18 155:14	73:19 74:16,22 75:3,16 76:6 76:17,21 77:8 78:8,14,18	146:21 147:14 148:6 149:13 149:23 153:10 153:21 154:20		

P	paper 115:4,18 Pappadeaux 27:10,13 28:19 43:15,21 44:1 44:23 45:8,13 45:18,22 46:5 46:9 154:6 Park 18:11,18 183:22 parking 79:14 Parsons 20:14 part 10:12 32:16 38:16 52:7 59:23 94:7,10 103:20 105:19 105:23 118:6 122:21 part-time 45:22 particular 19:17 19:21 26:9 112:21 parties 2:3 3:1 187:15 pass 83:11 passenger 67:23 patient 19:16 21:1 162:4 pause 42:23 171:20 172:19 pay 4:16 31:6 32:3 33:16 42:19,21 52:6 52:11,18 53:9 53:15,20,23 54:19,22 55:1 55:23 56:3,3 67:14 152:21 153:21,23 176:11 185:8 185:11 paycheck 26:23 paychecks 21:17 paying 153:2,13 payments 147:22 payroll 49:19	Pearl 12:11 13:8 13:15 76:11 133:5 152:22 153:2,5 Pelham 16:17 17:11 26:11 69:9 86:2 people 56:22 57:3 134:14 172:16 people's 24:15 perform 25:22 25:23 26:5 28:6 34:22 35:2 36:12,19 36:22 39:1,2 48:19,21 49:15 50:9,13 179:21 181:23 184:21 184:22 performed 137:13,16 138:1,8 139:18 142:11,23 performing 20:16 26:8 38:2 period 23:21,22 27:6,11,15 33:10 37:4 41:4 43:12 46:17 47:5 52:18 54:22 55:1,4,8 144:13 146:15 150:20 periods 35:5,12 36:14 permanent 22:8 22:13 148:8 person 112:17 113:21 Personnel 25:14 26:20 27:1,5 49:18 pharmacy 69:1	69:6 phone 14:4,15 81:23 111:5,10 photograph 4:17,18,19,22 103:20,23 105:7 106:3,6 127:21 photographed 129:5 photographs 4:21 103:3 122:18 123:20 124:4,16 125:14,20 126:5,9,11,14 126:21,23 127:4,7 128:21 129:1 photos 103:7,10 103:12 physical 139:5,7 139:11,14 141:11 147:2 157:10,15 physically 177:1 178:2 pick 120:8 132:21 picked 16:11 78:18 89:6,15 picking 7:22 56:22 picture 74:20,21 104:9 124:15 pictures 105:4,6 place 100:4,6 122:8 148:3 165:1 168:19 places 47:9 161:3 Plaintiff 1:10 5:3 Plaintiff's 4:12 170:5,8 plans 141:21	150:3 play 58:6 please 8:5,18 17:18 59:11 127:19 151:8 pocket 67:14 165:20 point 30:12 33:9 33:19 40:14 41:14 46:5 47:14 54:16 71:2 73:14 115:21 122:3 145:13 146:12 155:9 156:6 163:6 171:3,11 176:7 pointed 171:7 pointing 173:4,5 173:11,15 police 60:21 61:1,6,6 130:14,17 policy 42:14 policyholder 42:6 portions 130:11 position 30:4 38:12 127:23 128:4 154:21 possibly 78:10 potential 163:15 168:12 prep 29:18 30:1 30:14 55:12,16 55:17,19 182:9 182:10 prepared 178:2 178:15 prescribed 16:8 156:21 prescription 16:5,12 134:3 prescriptions 69:3 133:18,23 134:7
----------	---	--	--	---

PRESENT 5:15	promotion	quit 146:13	132:14 166:20	146:22 147:7
pressure 57:20	30:23	quite 175:7	169:7,10	148:7 150:13
58:4			170:17,21	157:9 164:15
prevented 35:7	prompted		174:16 175:19	164:21 165:21
35:11	175:23	R	183:7	related 64:5
prevents 154:2	pronounced	radiation 19:19	receive 32:17	73:1
previous 175:13	99:17,20	21:3	34:1 47:18,20	relating 2:18
PrideStaff 25:14	property 12:18	raggedy 97:1	63:19 136:17	relation 95:23
26:20 27:1,4	provide 51:18	rain 79:12	139:1	96:1 108:4
49:17	provided 41:23	raining 60:5	received 136:7	relationship
primary 69:19	51:14 75:13	79:16	160:10 164:14	10:20 180:21
70:10,20	103:19 122:20	raise 33:19	recess 43:3	relatives 17:14
print 187:9	providers 155:6	ran 58:8	73:16	18:6
prior 3:4 70:20	psychiatrist	rate 53:9 56:3	recipes 37:2,16	relevance 164:2
168:5	155:7 156:4	rating 150:9	37:17,19	remain 106:8
probably 8:12	157:5	rats 184:4	recognize 80:15	remember
12:13 31:9,12	psychiatrists	reach 83:19	105:20	11:13 16:20
44:10 45:11	155:5	89:17 91:6,8	recollection	17:2 23:23
54:3 57:3 61:8	psychiatry	119:10,15	12:22 76:21	27:22 30:7
73:21 76:22	20:21 22:3,16	120:4	80:11	47:23 61:1
78:9 82:1,17	22:22 23:4	reached 92:15	recommend	62:7 70:18
82:18 89:7	psychologist	108:4 167:3	67:9 133:9	76:2 79:8,15
94:14 117:22	157:6	reaching 89:20	137:7 141:8	79:21 80:4,17
117:23 133:6	psychologists	89:23 90:12,16	recommended	81:6,7 83:12
153:3 175:11	155:5	90:20 95:5	137:9	83:14 87:16
problem 35:15	Public 2:7 6:3	119:11	record 7:19,23	89:11 90:10
154:17	purposes 56:22	reading 2:14	8:18 15:1,3,7	92:17 112:15
problems 37:6,9	purse 81:23 82:1	16:1	93:10 173:3	114:8 115:2,6
64:20 83:4	pursuant 6:5	ready 144:2	records 49:19	116:12 117:7
87:6 138:21	put 32:21 162:5	146:7 177:16	red 128:8	120:15,19
148:12		178:7,10	reduced 187:9	130:9,17 131:2
procedure 6:6		real 26:5 85:9	REEXAMIN...	131:5,6,23
137:23	quantify 161:20	182:2	173:1 174:14	132:7 133:21
proceedings	question 50:3	realized 28:5	referred 41:7	133:22 134:5
6:14 187:7,13	51:17 157:17	really 24:13	refresh 80:11	134:17,19,20
proceeds 163:15	173:2	38:12 68:11	128:14	145:15 146:16
process 89:19	questioned	reason 8:2 21:8	regard 65:1	153:1 155:14
163:10	167:12	28:13 38:21	regular 14:21	156:7 164:5
produced	questioning	77:1 102:15,20	57:13 58:3	167:7,9 181:19
122:19	166:12	147:4 155:17	59:22	remembering
production 52:8	questions 2:23	180:2	relate 20:17	127:3
103:21	3:1 7:6,14 8:4	recall 9:9,13	40:22 50:19	remind 7:16
prognosis	123:5 151:23	33:6 45:12	51:2 71:4	rent 152:22
142:12	164:3 166:9	68:23 70:11,20	134:11 138:9	153:22
promise 107:3	187:8	78:7 86:10	140:22 141:15	repeat 86:16
162:1	quickly 166:10	109:1 121:11	141:19,22	rephrase 8:6

Alexandria Bennett

6/14/2023

Page 201

report 4:20 60:21 66:11 114:1,13 122:21	23:20 25:4 29:14 31:16 32:2,4 34:6,8 34:11 40:21	78:4 Robert 18:2 room 66:16 133:8 184:9,14 185:1	176:23 177:17 177:20,23 178:7,16 183:22 schoolwork 177:9	171:11,12 172:5 173:11 175:18 seeing 16:22 119:7 130:17 167:13
reporter 1:22 2:6 6:2,20 7:12 49:3	43:12,14,23 46:13,15,21 49:22 50:14	rude 112:17 rules 2:18 6:6 8:13 running 184:4 rush 120:10,12 182:2,5	screaming 109:16 screen 171:3 173:5,6 screenshots 80:9 scuff 85:8,10	134:10 141:21 seeking 184:12 seen 39:20,21,23 41:10,12 72:9 72:13 74:12,22
represent 7:3 75:7 122:20 160:6	52:20 53:2,10 53:19 54:17 55:5,8 57:11	S S 2:1 5:1 s/ 187:20	91:23 92:1 97:21,22 98:1 98:4 100:2,16	75:2,23 86:13 91:22 92:2 101:5 103:23
represents 187:11	62:21 66:16,18 69:18 71:15	safety 87:3 saturated 62:16 65:4 saw 52:21 54:16	scuffed 85:9 seat 61:15 second 80:14 section 26:12	107:20,23 114:15 122:5 125:19 126:8 126:11 127:6
require 58:2	74:10 76:7,9	70:12 87:2 88:13 96:17,19	45:4 55:11 101:2 115:13	135:6,8 140:21 141:13 156:17
required 159:20	77:6 78:3,4	97:5,9 98:9,21	115:14	157:5 160:15
resign 38:18 49:6	79:12 80:1 83:15 85:2	99:10,16	security 15:2 150:1	160:17,19 169:5
respective 2:3	87:10 89:1,15	101:15 102:11	see 14:8 16:7	sell 81:11
responses 7:18	90:4,6 91:16	104:20 105:9	21:11 29:12	sent 47:9 74:13 75:18
restaurant 33:14 38:12 154:18 186:3	91:22 92:11 95:19 98:14 99:7 104:14	107:12 130:9 135:3 168:1,3	39:22 41:6	served 37:21 service 21:1,10
restless 179:10	107:11,17	saying 51:4 98:3 98:7 107:18	42:22 54:12	21:11,15 25:6 28:9,15 48:20 56:7 154:11
restlessness 179:14	108:8 109:9 110:3,19 111:8	110:5,19	63:23 73:6	services 21:13 21:19 28:18 152:8
restriction 40:9	112:17 113:14	122:10 126:20	85:4,8,11 92:5	settled 178:23 seven 24:22 32:10 176:19
restrictions 15:18 39:9 40:19	115:12 117:8 118:3,22 120:16 126:5	142:4 151:23	97:20 100:10	shake 7:15 shakes 149:22
result 7:9 20:16	126:21 127:12	says 52:23 54:12 160:9	104:13,18 106:18 109:3	share 170:1,6 Sharpie 124:10
48:6,15 50:1 60:22 61:12 63:21 66:4 157:15 164:11	129:12 130:4 131:8,21 134:9 135:7 136:23 137:20 140:5	120:9	110:11 122:10	Shelby 17:16,19 18:3,7 56:17
results 187:17	143:7,10 150:6	scared 184:6	122:13 124:13	57:8 71:13,14 72:1 118:20
return 39:13 40:15 144:17 145:2 148:14 186:10	158:6,15 159:23 160:4 161:8 162:15 163:23 164:23	scene 62:23 schedule 137:10 139:19,21	125:3,7,10 131:4 134:21	
returned 110:3 145:11	165:10 166:4 166:19 167:11	140:7,11,15 145:8	135:1 136:15 136:15 137:18	
ride 131:8	172:1 173:6,7	scheduled 51:1 140:4 141:18	140:10,15	
right 12:6,20 14:10,23 18:9 18:14 19:7 20:10 21:2 22:9,19 23:16	173:21 174:3 180:23 186:18 ring 70:15 road 18:19 23:14 59:21,22	scheduler 19:16 school 18:10,11 18:17 58:7 146:7 176:20	141:1,3 155:10 155:12,18,22 162:10 168:6,8 168:11,19 169:2 170:13	

Alexandria Bennett

6/14/2023

Page 202

131:11,15,19	173:20	slower 182:14	speaking 175:19	starting 158:16
131:22 132:5	shows 54:6	Smartwater	specific 36:21	state 2:7 6:3
133:1 136:19	128:3	88:12,14,20	64:23	8:17 171:22
164:23 181:14	sic 62:16 88:12	social 15:2 56:16	Specifically 35:1	187:3,22
181:16	sick 32:18,19,23	57:7 150:1	speeding 61:16	stated 180:16
shelf 89:16	84:22	sole 120:19	spell 10:11	184:8
90:11,13,22,23	side 59:21 60:2	solely 155:21	spending 183:16	statement 4:16
91:1,4 100:18	75:5 87:14,14	somebody 88:16	spent 183:7	53:20 54:20
119:11	94:19 101:3,3	88:19 99:20	spill 100:22	55:23
Shelley 70:13	101:4 184:7	132:21 135:1	101:7	states 1:1 15:16
shelves 90:5	sign 114:11	Sonata 60:13	spleen 62:15	station 45:4
96:1,6	signage 168:8,11	sorry 45:4 53:7	63:12,14 65:5	stay 20:9 33:16
shelving 96:10	168:19	70:3 73:5	66:21	51:5 63:8
Shield 42:12	signature 2:14	86:18 90:9	split 13:16	81:15 109:18
43:9	114:21	97:13 102:19	spoke 174:16,17	113:7 116:9
shifts 159:14	Signed 187:18	104:17 106:22	spoken 116:6	146:5
shocking 92:18	signing 115:2	117:1,19	sports 58:6,18	stayed 11:12
shoe 120:22	signs 121:19,23	123:18 134:5	spot 97:8,15	12:8 19:4
shoes 82:7,9	single 89:5	172:7,9	sprained 62:17	staying 13:13
120:14 121:2,6	sit 38:10	sort 68:17	65:19 66:14	stays 17:19
121:9	sit-down 38:13	142:12 146:22	spread 123:9	Steakhouse
shopper 174:17	38:15 48:4	156:22	sprung 65:18	179:20
shoppers 169:2	sitting 70:19	sorts 170:6	stable 27:23	stenotype 187:8
shopping 76:19	89:10 90:21	sought 145:9	152:8	step 143:9,11
85:23 86:14	91:1 101:13	sound 14:10	stacked 96:23	stepdad 152:16
87:3,7 88:4,14	104:11	53:10 74:10	stand 35:5 36:14	steps 169:13
88:17,20,22	situation 184:1	115:9,17	36:23 37:10	sticker 127:22
89:11,12 103:5	184:3	137:20 172:1	51:6 55:15	STIPULATED
103:9 107:9	six 24:22,22	sounds 14:8	119:14,17,20	2:2,13,20
short 9:1	176:18	SOUTHERN	stand-up 45:5	stipulation 6:7
Shorthand 2:6	size 97:8 98:16	1:3	standing 35:12	stipulations
6:2	98:19	Southlake 135:8	119:12,23	6:21
shoulder 82:2	sleeping 157:14	135:10,13,17	154:19	stitched 66:2
show 122:14	sleepless 179:9	135:23 136:22	stands 55:12	stool 119:21
123:21 124:1	sleeplessness	137:3 138:7	star 37:11	stop 45:17 65:6
125:16 127:15	179:7,15	139:17 140:11	151:17 180:17	77:5 151:13
127:22 129:1	slides 120:18	140:23 141:5,7	start 22:15 24:8	152:4 178:23
160:5 169:20	slip 92:20,20,22	142:10 145:9	28:23 29:1,2	stopped 45:15
172:9,10	93:5	147:18,22	31:8 35:14	46:6 65:7
showed 171:15	slipped 83:20	158:4,5 165:1	43:15 122:11	77:20,22 78:19
showing 105:12	92:21,21 93:4	Spain 18:11,18	178:15 180:7	78:23 79:7
131:3 170:17	93:12 124:2,7	183:22	started 19:21	stopping 73:13
shown 74:17	127:16 129:8	span 74:8	22:12 25:1	79:18
75:23 76:3	129:15	speak 110:22	29:14,17 33:7	store 30:18,20
105:16 128:6	slippery 93:14	113:18,22	46:20 47:1	31:1,3,4,6,11
128:20 173:18	94:1	118:8 175:6	70:14	31:13,15,20

Alexandria Bennett

6/14/2023

Page 203

32:3,14,17	58:22 59:1,6	155:11 156:10	152:4 158:2	temp 21:10,11
33:8,11,13,14	68:6 72:17	156:13,20	159:3,11	21:13,15,19,23
33:18 34:9,13	144:23	159:1,8,22	176:10	22:8,12,16,22
35:16 38:3	suffering 9:11	162:14,17	taken 2:5 43:4	25:6,17 26:17
80:2 82:13	57:15 161:17	163:8 164:19	62:22 63:2	27:8 28:4,9,14
84:6,7,8 85:13	161:21	174:10 178:10	73:17 100:21	28:18 46:20
87:7 100:12	summarize	181:13 183:6	106:6 113:13	48:19,23 49:7
101:5 104:11	164:18	surgeries 72:4	118:16 125:21	49:19 56:7,8
107:10,19	summed 180:4	surgery 40:11	126:9 130:22	152:7 154:11
109:22 113:13	supervision	40:15 63:13,16	187:7	temps 24:17
113:17 130:15	187:10	137:9,10,12,15	talk 28:6 37:15	140:18
175:1	supervisor	138:7,13,16,19	38:8 71:2	ten 86:8 108:13
Stores 7:3	20:13 30:3	139:2,18 140:1	110:12 155:19	108:15
straight 82:21	32:14 35:20	141:9,14	166:14,15	terminology
94:20	44:22	142:11,22	174:22 176:3	142:19
Street 11:15	supplemented	143:4,8,12	182:18	test 79:9
153:8	177:22	144:7,9,12	talked 104:14	testified 6:18
strep 70:1	supposed 22:5	145:20,22	116:13 120:13	testify 9:8,13
stress 157:8,16	37:3 39:1	147:23 148:4	130:1 150:7	testimony 1:16
stretcher 130:19	40:10 44:6	156:12 158:9	151:2 164:17	49:13 50:12
130:23 131:3	50:10 71:23	165:2	165:16,23	171:21 175:14
structures	139:4 141:10	surprise 88:15	167:12 179:18	187:12
168:20	146:4,18	88:21	talking 39:16	testing 167:18
struggling	178:11 182:2,6	surprised 75:10	72:19 90:2	thank 10:8,14
176:12	182:7	152:13	98:18 100:15	14:20 33:5
stub 52:6	sure 21:21 36:17	surveillance	106:23 110:20	65:14 112:10
stubs 52:11	39:11,18 40:13	74:6,13 80:10	115:16 121:15	128:12 162:4
stuff 24:15	40:16 42:11	sustained	126:13 173:3	166:5 173:8
26:14 36:8	43:2 44:12	164:10	tall 73:19	174:8,11
37:20 48:4	50:4 52:3	swab 24:15	Tea 23:5 28:2	Thanksgiving
100:3,12	56:19 62:2	switch 155:1	158:11	182:20,20
140:17 144:2	67:12,12,16	switched 185:21	teeth 179:3	183:1
146:7 151:13	70:16 72:16	sworn 6:17	tell 17:18 28:9	therapy 139:5,8
152:1 154:10	73:13 78:12	symptoms	28:16 36:4,18	139:11,15
154:14,14	81:4,21 82:5	157:10,15	38:14 39:12,14	141:11 147:3
160:20 161:7	86:17 91:10,12	T	43:14 47:7	thereto 3:5
163:3 182:7	94:2,12,13,15	T 2:1,1	49:22 59:10	187:9
sturdy 82:9	95:2 99:1	take 8:1 14:17	60:3 74:1	thing 65:3 66:20
style 120:15	111:4 113:20	24:16 28:9	92:11 95:10,23	things 16:22
substance 92:8	113:21 114:12	43:1 58:3	99:20 105:3	28:5 36:8 58:2
99:15 124:1,6	117:6 118:7	65:20 73:12	107:14 111:14	85:22 100:14
124:11 127:15	120:9 129:17	78:4 103:3,6,8	111:17 114:3	156:1 157:13
128:19 167:15	130:6,10,13	103:16 118:18	116:23 133:13	162:18 166:11
167:19 168:2	134:8 136:5,12	146:10 148:21	142:16 151:7	182:14
sued 64:11,12	139:6 142:18		174:22 178:5	thingy 97:1
suffered 58:11	145:18 148:1		180:6	think 8:11 21:4

Alexandria Bennett

6/14/2023

Page 204

25:2,15 32:3	142:17	177:17,17,21	114:19 123:2	140:6 145:8
32:20,20 45:15	three 11:2 12:1	times 146:9	127:11 160:23	152:5
47:2 48:18,20	12:1 29:3,12	184:3	170:10 187:11	turned 98:2
52:3,10 53:15	40:3 41:4,5	tiny 115:21	transferred 31:2	134:13,15
54:3 60:1 61:9	44:12,18	116:1	travel 160:1	154:10
62:8 65:17	153:16 180:11	tippy-toes 120:4	165:13	twice 156:17
66:19 69:16	180:11	tips 29:23	treated 64:19	twisted 95:2
70:4 71:20	throat 70:1	title 20:22 29:16	71:1,3 73:6	117:14
73:8 74:8 75:1	throw 157:14	30:13 33:9	treatment 63:19	two 12:13,14
76:7 78:8,14	ticket 61:14	45:2	64:5,18 66:23	127:4,6 153:4
84:1,9 89:7	tickets 61:12	titles 33:13	67:10 131:22	166:23 167:6
91:15,18,20	time 3:3,3 13:20	today 7:5 9:7	133:10 134:10	two-week 55:1,4
96:23 97:22	27:11,15 28:21	69:19,20 70:19	134:13 136:6,7	55:8
98:3,22 99:17	29:19 33:7,10	74:3 76:3	136:18 137:3,8	type 25:16 60:12
99:23 101:18	33:17 35:5,12	89:10 101:13	138:9 139:2	88:10 100:14
103:1 108:9	35:21 36:14	106:15 107:16	141:8,18,22	131:21 143:7
109:15 110:5	37:2,16,20	125:22 126:10	142:3 145:10	162:21 183:23
112:19 113:3	39:18 41:8,11	130:1 143:16	147:6,18	typed 7:19
114:6 115:13	44:4,5,7,16	toes 149:5,11	164:14 174:19	typical 54:7
115:15 118:4	46:17 47:5	told 39:3 40:14	184:12,14	typo 160:8
118:20 120:14	48:6,10,14	40:17 46:16	185:1	U
132:9 133:3,15	49:23 52:1,2	47:16 56:5	trial 3:3	U 2:1
133:19 135:8	66:5,17 67:4	66:5 73:8	tried 25:19	UAB 19:14
135:18 136:9	74:2 76:12	88:16,19 102:6	39:20,22 48:3	20:20,21 21:13
137:5 139:5,12	77:2 78:19	102:10 104:22	74:18 75:7	21:19 22:3,15
139:19,20	81:16 87:12,20	105:13 106:14	109:14 139:19	22:22 23:3,19
140:8 141:10	108:23 110:9	106:15,19	141:1 154:20	70:6 72:2 73:8
142:14 146:14	111:9,20	107:11,16	184:9	73:8
146:14 148:5	118:13,23	114:5 116:17	trip 101:8	UAB's 70:3
148:11,19	120:7,11 121:7	140:13 146:4	trips 86:19	uh-huh 7:18
151:18 152:9	131:18 133:5	146:13 150:13	trouble 16:22	47:15 53:3
152:14,15,16	135:10,14,17	157:20,23	20:15 26:8	68:14 77:10,18
152:17 153:14	136:21 139:13	164:4,9,13	119:6	104:15 114:22
155:11,12	142:22 143:9	180:2	true 187:11	123:14 130:3
156:16 157:23	143:11 144:13	top 52:20 54:14	Truitt 17:21	139:23 156:16
158:10,11,13	146:15 150:20	54:15 90:13	18:2 162:20	179:4 181:21
159:10 160:7	152:2 155:18	119:11 160:8	try 7:17 8:6	184:11
161:15 162:17	156:3,9 158:12	173:6,6	37:12 41:9	uh-uh 7:18 33:2
162:19 166:9	158:19,23	topic 52:6	139:21 152:2,3	47:22 65:11
169:15 172:11	159:17,18	total 55:3	154:8 176:11	75:1 89:9 90:7
175:17,23	161:8 165:9	totaled 61:21	177:16 181:1	112:7 121:1
183:6 185:22	168:1,3,18	town 184:7	trying 27:7	145:3 154:23
thinking 42:11	169:8,9 171:19	track 58:8	36:17 42:20	unable 35:2
thinks 104:23	172:1,5,13	tragic 152:10	94:20 98:20	undergone 72:3
thought 69:23	175:7,10	transcript 52:16	109:21 110:6	understand 8:3
87:1,2 100:9	176:11,17,21	80:22 104:5	134:12 136:14	

Alexandria Bennett

6/14/2023

Page 205

8:5,7 30:11 41:2 50:11 94:21 102:18 142:20 understood 8:9 unemployed 27:12,16 182:23 unemployment 51:22 unit 54:12 96:11 UNITED 1:1 urgent 70:4 71:16 use 16:2,3 150:20 Usual 6:20 Usually 69:5	159:19 160:2 vs 1:11 W W 70:14 wages 161:5,6 165:8 waited 113:8 waiting 116:13 142:6 174:18 waived 2:15 wake 143:20,23 144:4 146:6 Wal-Mart 7:3 7:10 16:15 17:6,11 20:18 40:22 50:7,20 51:3 57:4 67:5 69:6,9 71:4 V vacation 32:18 Valleydale 18:19 vantage 171:10 vehicle 60:6 verify 172:20 versus 115:4 Vestavia 2:10 5:13 6:10 video 4:13 75:2 75:8,8,14 80:10 94:23 169:20 170:12 170:17,18 172:12 173:4 173:19 178:2 videos 74:6,13 74:17,23 76:1 76:4 103:8 view 84:10,15 170:22 visit 64:5 67:13 72:23 100:13 136:19 138:6 184:9,15 185:2 visits 158:21	walked 84:11,16 85:6 118:21 walking 87:14 108:20 WALMART 48:19,21 51:6 78:11 79:14,16 84:4 94:22 100:20 101:3 120:12 129:4,5 139:12 151:22 152:21 176:10 179:21 182:1 183:21,23 water 81:10,12 81:12 82:20,21 83:8,13,18,20 wanted 31:3 65:6 130:6 166:10 172:19 warehouse 25:19 26:7,16 28:14,17 158:17 159:14 159:19 warehouses 26:1,4 27:7 28:4 46:21 48:23 warn 168:20 169:13,16 warning 121:19 121:23 Warren 45:1 wash 178:23 Washington 4:5 4:7 5:4 6:23 42:23 93:7,16 164:1 166:7 169:19 170:1,4 170:11,13,15 170:16 172:7,8 172:18 173:8 173:12 174:8 174:11,14 186:12,18 wasn't 34:22	128:19 129:2 129:15,18,23 130:20 166:20 166:21 167:13 167:19 168:6,9 way 31:9,14,18 36:15 76:2 77:4,5 78:2,15 87:23 94:8 96:2 101:13 125:16 140:20 149:5 157:19 165:6 ways 38:16 155:3 157:20 186:10 we've 104:14 116:2 126:23 162:19 164:19 wear 15:21,23 17:7 65:8 145:14 146:1 146:19 wearing 17:5 82:3,8 120:14 121:6,10 128:13,15 146:2,2,3,5,13 weather 79:10 week 20:4 31:22 32:10 44:8,18 54:7 weekends 32:8,9 44:11 weeks 41:5 65:23 66:1 weight 40:18 117:23 Weisen-somet... 70:14 went 18:11 34:12 36:4 39:16 41:7 42:5 45:19 46:3,5 50:8 66:6 67:7
---	--	---	---

Alexandria Bennett

6/14/2023

Page 206

71:12,16 80:5	23:3,21 24:11	wouldn't 57:3	187:23	16 29:21,22 31:8
80:12,16,18	25:20,21,23	89:6 134:21	09/30/2023	31:12 33:20,23
81:1,4 82:20	27:7 28:8	141:3 154:12	187:21	52:19
83:1,8,12,19	31:23 35:6	write 114:7	1	160 4:23
85:21 86:12	36:5 37:3 39:8	written 7:23	1	166 4:5
89:1 93:2 94:4	39:13,14 40:2	wrong 39:23	1 4:13,16 52:8	170 4:13
100:10,23	40:9,10,15	41:10 133:16	52:15 170:5,9	173 4:6
101:10 131:3	44:2 46:3 48:6	158:14 184:17	1,000 153:4	174 4:7
133:3,6,7	48:14 49:23	184:19	1,200 153:23	18 20:12
135:5,10,13,17	50:6,8,18,23	wrote 114:6	1:30 1:20 2:12	187 4:8
135:23 136:21	51:1,13 66:3,7	X	6:11	19 17:15
141:4 147:9	149:19 154:20	X 4:1 39:13	10 82:18	1993 15:10
155:22 156:3,8	158:2,20	X-rays 132:2	104 4:19 187:21	2
156:19 166:20	159:15 161:9	Y	11 122:16	2 4:17 80:13,20
168:15 175:14	165:9 179:18	y'all 13:17 87:14	114 4:20	131:4
181:14 183:22	180:9 181:1,6	87:20 116:12	12 49:1	2:08 43:4
weren't 13:19	186:2	152:19 172:7	123 4:21	2:11 43:5
38:14 120:17	worked 21:4	yeah 54:5	127 4:22	2:22-CV-0130...
121:5,21 122:2	23:5,19 26:11	139:20 149:8	13 49:2 54:23	1:7
138:3 151:21	28:1 29:3 31:9	year 9:23 16:12	14 1:19 2:11	2:42 73:17
west 60:2	31:23 32:6	17:13 18:12	6:11 45:11	2:49 73:18
wet 79:14	43:17,20 44:14	21:5 22:5,17	125:6,12	2011 18:13
100:22 130:12	44:17,17,20,23	22:19 30:21	14th 187:18	2019 52:19,19
Whereabouts	45:3 52:12	34:18 41:20	15 12:22 13:18	53:9,16 54:1
115:20	54:5 55:4,7	43:18 44:13	17:5 33:22	2020 12:22
Williams 1:23	78:6 110:6	152:14 158:6	34:5 36:13,20	13:18 17:6
2:6 6:1 187:20	159:6 180:8,18	years 11:1,2,3	38:3 39:7,19	24:23 27:23
187:21	worker 111:19	45:14 48:7,15	45:14 48:7,15	33:22 34:5,15
witness 2:15	workers' 58:14	12:1,13,14	50:2 53:1	34:18 36:13,20
6:12 107:5	working 20:21	29:4,13 153:16	57:12,17,21	38:3 39:7,19
149:22 186:17	25:2,5,8 27:3	180:12	58:17,21 59:3	40:5 43:7
187:12	28:3,19 31:21	you-all 75:11	59:7 64:15,21	45:14 48:7,15
witnessed	43:20 45:13,15	100:7 174:22	68:1,4,8,13	50:2 53:2,17
116:17	45:17,21 46:6	young 151:16	71:7,17 72:4,7	53:21 54:1
witnesses	51:23 54:9	Z	72:10,12,18	57:12,17,21
115:14	140:17 152:5	Zoom 170:18	74:1 82:18	58:17,21 59:3
woke 177:19	154:6 158:7,10	177:22	85:13 86:6,20	59:8,16 63:21
woman 151:16	159:4,13	zooms 124:18,19	87:4,7,10	64:16,21 65:2
wondering 41:3	180:21	125:1	101:12 122:17	68:1,4,8,13
Woods 2:9 5:12	works 21:22	Zulanas 2:9	125:17,21	70:9 71:7,10
6:9	31:18	5:11 6:9	128:17 166:16	71:17 72:4,7
word 61:2	worn 121:2	0	175:12,18	72:10,13,18
wore 136:1	worse 177:19	04/11/2027	15.25 53:10	74:1 85:13
work 18:3 19:13	worsened 143:2		15th 85:18 89:12	86:6,20 87:4,8
19:14,17 20:5	143:5		89:13	87:11 101:12
20:20 21:2,12	worst 177:18			

Alexandria Bennett

6/14/2023

Page 207

125:17,21 128:17 166:16 182:20,21 2021 25:3 28:1 40:6 41:21 42:14,17 137:19 158:8 158:16 2022 185:17 2023 1:19 2:11 6:11 19:23 187:18 205)396-6607 14:10 21 42:4 2100 5:6 2312 11:15 24 150:17 280 29:6,10 30:17,23 31:5 31:11 32:2,14 32:16 33:8,11 33:13,17 34:9 35:16,21 38:3 43:22 48:11 50:1 54:9,12 54:13,20	4 4:19 103:22 104:4 105:8,17 106:4 126:1,2 126:7 127:1 128:22 4:45 186:20 40 106:10 110:8 110:9 168:17 169:4 40-minute 169:9	5	
		6	
		6 4:21,21 20:9 122:15 123:1 123:21 124:5 125:15,23 126:4,6 127:1 128:22 600 153:14	
		7	
		7 4:4,22 20:8 127:5,10,22 128:6,22 129:11	
		12 4:18 52:19 80:14,20 131:4 30 106:10 137:19 168:17 169:4 30- 169:9 31st 11:15 153:8 35203 5:7 35209 9:21 35242 5:13 36 54:10 36.5 55:7 36.5667 54:6 3800 2:9 5:12 6:9	
		8 4:23 49:2,4 160:6,22 8.75 49:5 80 4:17,18 800 153:4 8273156 15:12	
		9	
		911 111:12 9th 15:10	
		4	